

*Daniel Webster on Slavery.*

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EXTRACTS

FROM SOME OF THE

SPEECHES OF MR. WEBSTER,

ON THE SUBJECT OF

SLAVERY;

TOGETHER WITH HIS

GREAT COMPROMISE SPEECH,

OF MARCH 7, 1850, ENTIRE,

AND THE

Boston Memorial, on the Subject of Slavery,

DRAWN UP BY MR. WEBSTER.

TO WHICH IS ADDED THE

CONSTITUTION OF THE UNITED STATES.

BOSTON:

WILLIAM CARTER & BROTHER, 7 WATER ST.

1861.

THE great issues growing out of the Slavery question, which is now agitating the country, have, on different occasions, been stated by Mr. Webster with so much clearness and force, that it may be a useful public service to present a few extracts from his speeches in a cheap form, which relate to this subject.

We recommend, indeed, a careful perusal of the whole of his speeches on this subject, but to many this is not possible.

We forbear to preface these extracts with any remarks of our own. We prefer to let them speak for themselves, and we hope that in this great crisis in our history, these words of America's greatest statesman may carry with them the weight which belonged to all his living utterances.

C.

## EXCLUSION OF SLAVERY FROM THE TERRITORIES.

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*Extracts from Mr. Webster's Remarks in the Senate of the United States, August 12, 1848.*

"The honorable member from Georgia (Mr. Berrien) has said that it is a question interesting to the South and to the North, and one which may well attract the attention of mankind.

"He has not stated any part of this too strongly; it is such a question, and without doubt it is a question which may well attract the attention of mankind. On the subject involved in this debate the whole world is not now asleep,—it is wide awake.

"It is a question of magnitude enough, of interest enough, to all the civilized nations of the earth, to call from those who support the one side or the other a statement of the grounds upon which they act.

"This Constitution, founded in 1787, and the government under it organized in 1789, do recognize the existence of Slavery in certain States then belonging to the Union, and a particular description of Slavery.

"This particular description of Slavery does not, I believe, now exist in Europe, nor in any other portion of the habitable globe. It is not a predial Slavery.

"It is a peculiar system of personal Slavery, by which the person who is called 'Slave' is transferable, as a chattel, from hand to hand. I speak of this as a fact, and that is the fact, and I will say further, that although Slavery as a system of servitude attached to the earth exists in various countries of Europe, I am not at the present moment aware of any place on the globe in which this property of man in a human being, as a slave transferable as a chattel, exists, except America."

"The Constitution of the United States recognizes it (Slavery) as an existing fact, an existing relation between the inhabitants of the Southern States. I do not call it an 'institution,' because that term is not applicable to it; for that seems to imply a voluntary establishment. When I first came here it was a matter of frequent reproach to England, the mother country, that Slavery had been entailed upon the colonies by her, against their consent, and that which is now considered a cherished 'institution,' was then regarded as, I will not say an *evil*, but an entailment on the colonies by the policy of the mother country against their wishes. At any rate it stands upon the Constitution. The Constitution was adopted in 1788, and went into operation in 1789. When it was adopted the state of the country was this: Slavery existed in the Southern States; there was a very large extent of unoccupied territory, the whole North-western Territory, which, it was understood, was destined to be formed into States; and it was then determined that no Slavery

should exist in this Territory. I gather now, as matter of inference from the history of the time and the history of the debates, *that the prevailing motives with the North for agreeing to this recognition of the existence of Slavery in the Southern States, and giving a representation to those States, founded in part upon their slaves, rested on the supposition that no acquisition of territory would be made to form new States on the Southern frontier of this country, either by cession or conquest.* No one looked to any acquisition of new territory on the Southern or South-western frontier. The exclusion of Slavery from the North-western Territory, and the prospective abolition of the foreign slave trade, were generally, the former unanimously, agreed to, and on the basis of these considerations the South insisted that where Slavery existed it should not be interfered with, and that it should have a certain ratio of representation in Congress. And now, sir, I am one, who, believing such to be the understanding on which the Constitution was framed, mean to abide by it."

"I have now stated, as I understand it, the condition of things upon the adoption of the Constitution of the United States. What has happened since? Sir, it has happened that above and beyond all contemplation or expectation of the original framers of the Constitution, or the people who adopted it, foreign territory has been acquired by cession, first from France, and then from Spain, on our Southern frontier. And what has been the result? Five Slaveholding States have been created and added to the Union, bringing ten Senators into this body, (I include Texas, which I consider in the light of a foreign acquisition also;) and up to this hour in which I address you, not one Free State has been admitted to the Union from all this acquired Territory.

(Mr. BERRIEN in his seat.) Yes, Iowa.

"Iowa is not yet in the Union. Her senators are not here. When she comes in there will be one to five; one Free State to five Slave States formed out of new territories."

"Mr. President, what is the result of this? We stand here now—at least I do, for one—to say, that considering there have been already five new Slaveholding States formed out of newly-acquired Territory, and only one Non-Slaveholding State at most, I do not feel that I am called on to go further. I do not feel the obligation to yield more. But our friends of the South say, You deprive us of all our rights. We have fought for this Territory, and you deny us participation in it. Let us consider this question as it really is; and since the honorable gentleman from Georgia proposes to leave the case to the enlightened and impartial judgment of mankind, and as I agree with him that it is a case proper to be considered by the enlightened part of mankind, let us see how the matter in truth stands. Gentlemen who advocate the case which my honorable friend from Georgia with so much ability sustains, declare that we invade their rights, that we deprive them of a participation in the enjoyment of Territories acquired by the common services and common exertions of all. Is this true? How deprive? Of what do we deprive them? Why, they say that we deprive them of the privilege of carrying their slaves as slaves into the new Territories. Well, sir, what is the amount of that? *They say that in this way we deprive them of the opportunity of going into this acquired Territory with their property.*

Their 'property'? What do they mean by 'property'? *We certainly do not deprive them of the privilege of going into these newly acquired Territories with all that, in the general estimate of human society, in the general, and common, and universal understanding of mankind, is esteemed property.* Not at all. The truth is just this. They have in their own States peculiar laws, which create property in persons. They have a system of local legislation on which Slavery rests; while every body agrees that it is against natural law, or at least against the common understanding which prevails among men as to what is natural law.

"I am not going into metaphysics, for therein I should encounter the honorable member from South Carolina, (Mr. Calhoun,) and we should find no end, 'in wandering mazes lost,' until after the time for the adjournment of Congress. The Southern States have peculiar laws, and by those laws there is property in slaves. This is purely local. *The real meaning, then, of Southern gentlemen, in making this complaint is, that they cannot go into the Territories of the United States, carrying with them their own peculiar local law,* a law which creates property in persons. This, according to their own statement, is all the ground of complaint they have. Now, here, I think, gentlemen are unjust towards us. How unjust they are, others will judge; generations that will come after us will judge. It will not be contended that this sort of personal Slavery exists by general law. It exists only by local law. I do not mean to deny the validity of that local law where it is established, but I say it is, after all, local law. It is nothing more. And wherever that local law does not extend, property in persons does not exist. Well, sir, what is now the demand on the part of our Southern friends? They say, 'We will carry our local laws with us wherever we go. We insist that Congress does us injustice unless it establishes in the Territory in which we wish to go our own local law.'

"*This demand I, for one, resist, and shall resist.* It goes upon the idea that there is an inequality, unless persons under this local law, and holding property by authority of that law, can go into new territory and there establish that local law, to the exclusion of the general law. Mr. President, it was a maxim of the civil law, that between Slavery and Freedom, Freedom should always be presumed, and Slavery must always be proved. If any question arose as to the *status* of an individual in Rome, he was presumed to be free until he was proved to be a slave, because Slavery is an exception to the general rule. Such, I suppose, is the general law of mankind. An individual is to be presumed to be free until a law can be produced which creates ownership in his person. I do not dispute the force and validity of the local law, as I have already said; but I say it is a matter to be proved; and, therefore, if individuals go into any part of the earth, it is to be proved that they are not freemen, or else the presumption is that they are.

"Now, our friends seem to think that an inequality arises from restraining them from going into the Territories, unless there be a law provided which shall protect their ownership in persons. The assertion is that we create an inequality. Is there nothing to be said on the other side in relation to inequality? Sir, from the date of this Constitution, and in the councils that formed and established this Constitution, and I suppose in all men's judgment since, it is received as a settled truth, that slave labor and free labor do not exist well together. I have before me a declaration of Mr. Mason, in the Convention that formed the Constitu-

tion, to that effect. Mr. Mason, as is well known, was a distinguished member from Virginia. He says that the objection to slave labor is, that it puts free white labor in disrepute; that it causes labor to be regarded as derogatory to the character of the free white man, and that the free white man despises to work, to use his expression, where slaves are employed. This is a matter of great interest to the Free States, if it be true, as to a great extent it certainly is, that wherever slave labor prevails, free white labor is excluded or discouraged. I agree that slave labor does not necessarily exclude free labor totally. There is free white labor in Virginia, Tennessee, and other States, where most of the labor is done by slaves. But it necessarily loses something of its respectability by the side of, and when associated with, slave labor. Wherever labor is mainly performed by slaves, it is regarded as degrading to freemen. The freemen of the North, therefore, have a deep interest in keeping labor free, exclusively free, in the new Territories.

"But, sir, let us look further into this alleged inequality. There is no pretence that Southern people may not go into territory which shall be subject to the Ordinance of 1787. The only restraint is, that they shall not carry slaves thither, and continue that relation. They say this shuts them altogether out. Why, sir, there can be nothing more inaccurate in point of fact than this statement. I understand that one half the people who settled Illinois are people, or descendants of people, who came from the Southern States. And I suppose that one third of the people of Ohio are those, or descendants of those, who emigrated from the South; and I venture to say, that, in respect to those two States, they are at this day settled by people of Southern origin in as great a proportion as they are by people of Northern origin, according to the general numbers and proportion of people, South and North. There are as many people from the South, in proportion to the whole people of the South, in those States, as there are from the North, in proportion to the whole people of the North. There is, then, no exclusion of Southern people; there is only the exclusion of a peculiar local law. Neither in principle nor in fact is there any inequality.

"The question now is, whether it is not competent to Congress, in the exercise of a fair and just discretion, considering that there have been five Slaveholding States added to this Union out of foreign acquisitions, and as yet only one Free State, to prevent their further increase. That is the question. I see no injustice in it. As to the power of Congress, I have nothing to add to what I said the other day. Congress has full power over the subject. It may establish any such government, and any such laws, in the Territories, as in its discretion it may see fit. It is subject, of course, to the rules of justice and propriety; but it is under no constitutional restraints.

"I have said that I shall consent to no extension of the area of Slavery upon this continent, nor to any increase of slave representation in the other house of Congress. I have now stated my reasons for my conduct and my vote. We of the North have already gone, in this respect, far beyond all that any Southern man could have expected, or did expect, at the time of the adoption of the Constitution. I repeat the statement of the fact of the creation of five new Slaveholding States out of newly acquired territory. We have done that which, if those who framed the Constitution had foreseen, they never would have agreed to slave representation. We have yielded thus far; and we have now in the House

of Representatives twenty persons voting upon this very question, and upon all other questions, who are there only in virtue of the representation of slaves.

"Let me conclude, therefore, by remarking, that, while I am willing to present this as showing my own judgment and position, in regard to this case,---and I beg it to be understood that I am speaking for no other than myself,---and while I am willing to offer it to the whole world as my own justification, I rest on these propositions: First, That when this Constitution was adopted, nobody looked for any new acquisition of territory to be formed into Slaveholding States. Secondly, That the principles of the Constitution prohibited, and were intended to prohibit, and should be construed to prohibit, all interference of the general government with Slavery as it existed, and as it still exists, in the States. And then, looking to the operation of these new acquisitions, which have in this great degree had the effect of strengthening that interest in the South, by the addition of these five States, I feel that there is nothing unjust, nothing of which any honest man can complain, if he is intelligent, and I feel that there is nothing with which the civilized world, if they take notice of so humble a person as myself, will reproach me, when I say, as I said the other day, that I have made up my mind, for one, that under no circumstances will I consent to the further extension of the area of Slavery in the United States, or to the further increase of slave representation in the House of Representatives."

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*From Mr. Webster's Speech on the Admission of Texas,  
December 22, 1845.*

"In the first place, I have, on the deepest reflection, long ago come to the conclusion, that it is of very dangerous tendency and doubtful consequences to enlarge the boundaries of this country, or the Territories over which our laws are now established. There must be some limit to the extent of our territory, if we would make our institutions permanent. And this permanency forms the great subject of all my political efforts, the paramount object of my political regard. The government is very likely to be endangered, in my opinion, by a further enlargement of the territorial surface, already so vast, over which it is extended.

"In the next place, I have always wished that this country should exhibit to the nations of the earth the example of a great, rich, and powerful Republic, which is not possessed by a spirit of aggrandizement. It is an example, I think, due from us to the world, in favor of the character of republican government.

"In the next place, sir, I have to say, that while I hold, with as much integrity, I trust, and faithfulness, as any citizen of this country, to all the original arrangements and compromises under which the Constitution under which we now live was adopted, I never could, and never can, persuade myself to be in favor of the admission of other States into the Union as Slave States, with the inequalities which were allowed and accorded by the Constitution to the Slaveholding States then in existence. I do not think that the Free States ever expected, or could expect, that

they would be called on to admit more Slave States, having the unequal advantages arising to them from the mode of apportioning representation under the existing Constitution.

"Sir, I have never made an effort, and never propose to make an effort — I have never countenanced an effort, and never mean to countenance an effort — to disturb the arrangements, as originally made, by which the various States came into the Union. But I cannot avoid considering it quite a different question, when a proposition is made to admit new States, and that they be allowed to come in with the same advantages and inequalities which were agreed to in regard to the old. It may be said, that, according to the provisions of the Constitution, new States are to be admitted upon the same footing as the old States. It may be so; but it does not follow at all from that provision, that every Territory or portion of country may at pleasure establish Slavery, and then say we will become a portion of the Union, and will bring with us the principles which we have thus adopted, and must be received on the same footing as the old States. It will always be a question whether the other States have not a right (and I think they have the clearest right) to require that the State coming into the Union should come in upon an equality; and if the existence of Slavery be an impediment to coming in on an equality, then the State proposing to come in should be required to remove that inequality by abolishing Slavery, or take the alternative of being excluded.

"Now, I suppose that I should be very safe in saying, that if a proposition were made to introduce from the North or the North-west Territories into this Union, under circumstances which would give them an equivalent to that enjoyed by Slave States, — advantage and inequality, that is to say, over the South, such as this admission gives to the South over the North, — I take it for granted that there is not a gentleman in this body from a Slaveholding State that would listen for one moment to such a proposition. I therefore put my opposition, as well as on other grounds, on the political ground that it deranges the balance of the Constitution, and creates inequality and unjust advantage against the North, and in favor of the slaveholding country of the South. I repeat, that if a proposition were now made for annexations from the North, and that proposition contained such a preference, such a manifest inequality, as that now before us, no one could hope that any gentleman from the Southern States would hearken to it for a moment."

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*From Mr. Webster's Speech on the Mexican War, March 1, 1847.*

"Mr. President, I must be indulged here in a short retrospection. In the present posture of things and of parties, we may well look back upon the past. Within a year or two after Texas had achieved its independence, there were those who already spoke of its annexation to the United States. Against that project I felt it to be my duty to take an early and a decided course. Having occasion to address political friends in the city of New York, in March, 1837, I expressed my sentiments as fully



and as strongly as I could. From those opinions I have never swerved. From the first I saw nothing, and have seen nothing, but evil and danger to arise to the country from such annexation. The prudence of Mr. Van Buren stifled the project for a time; but in the latter part of the administration of Mr. Tyler it was revived. Sir, the transactions and occurrences from that time onward, till the measure was finally consummated in December, 1845, are matters of history and record. That history and that record can neither be falsified nor erased. There they stand, and must stand forever; and they proclaim to the whole world, and to all ages, that Texas was brought into this Union, Slavery and all, only by means of the aid and active coöperation of those who now call themselves the 'Northern Democracy' of the United States; in other words, by those who assert their own right to be regarded as nearest and dearest to the people, among all the public men of the country. Where was the honorable member from New York, where were his Northern and Eastern friends, when Texas was pressing to get into the Union, bringing slaves and Slavery with her? Where were they, I ask? Were they standing up like men against slaves and Slavery? Was the annexation of a new Slave State an object which 'Northern Democracy' opposed, or from which it averted its eyes with horror? Sir, the gentleman from New York, and his friends, were counselling and assisting, aiding and abetting the whole proceeding. Some of them were voting here as eagerly as if the salvation of the country depended on bringing in another Slave State. Others of us from the North opposed annexation as far as we could. We remonstrated, we protested, we voted; but the 'Northern Democracy' helped to outvote us, to defeat us, to overwhelm us. And they accomplished their purpose. Nay, more. The party in the North which calls itself, by way of distinction and eminence, the 'Liberty Party,' opposed, with all its force, the election of the Whig candidate\* in 1844, when it had the power of assisting in and securing the election of that candidate, and of preventing Mr. Polk's election; and when it was as clear and visible as the sun at noonday, that Mr. Polk's election would bring Slaveholding Texas into the Union. No man can deny this. And in the party of this 'Northern Democracy,' and in this 'Liberty Party' too, probably, are those, at this moment, who profess themselves ready to meet all the consequences, to stand the chance of all convulsions, to see the fountains of the great deep broken up, rather than that new Slave States should be added to the Union; but who, nevertheless, will not join with us in a declaration against new States of any character, thereby shutting the door forever against the further admission of Slavery.

"Here, sir, is a chapter of political inconsistency which demands the consideration of the country, and is not unlikely to attract the attention of the age. If it be any thing but party attachment, carried, recklessly, to every extent, and party antipathy maddened into insanity, I know not how to describe it."

"Sir, I fear we are not yet arrived at the beginning of the end. . . . Will the North consent to a treaty bringing in territory subject to Slavery? Will the South consent to a treaty bringing in territory from which Slavery is excluded? Sir, the future is full of difficulties and full of dangers. We are suffering to pass the golden oppor-

\* Mr. Clay.

tunity for securing harmony and the stability of the Constitution. We appear to me to be rushing upon perils headlong, and with our eyes wide open. But I put my trust in Providence, and in that good sense and patriotism of the people, which will yet, I hope, be awakened before it is too late."

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*From Mr. Webster's Speech on the Objects of the Mexican War.  
March 23, 1848.*

"But, sir, to speak more seriously, this war was waged for the object of creating new States, on the Southern frontier of the United States, out of Mexican territory, and with such population as could be found resident thereupon. I have opposed this object. I am against all accessions of territory to form new States. And this is no matter of sentimentality, which I am to parade before mass meetings or before my constituents at home. It is not a matter with me of declamation, or of regret, or of expressed repugnance. It is a matter of firm, unchangeable purpose. I yield nothing to the force of circumstances that have occurred, or that I can consider as likely to occur. And therefore I say, sir, that, if I were asked to-day whether, for the sake of peace, I would take a treaty for adding two new States to the Union on our Southern border, I would say, *No!* distinctly, *No!* And I wish every man in the United States to understand that to be my judgment and my purpose.

"I said upon our *Southern* border, because the present proposition takes that locality. I would say the same of the Western, the North-eastern, or of any other border. I resist to-day, and forever, and to the end, any proposition to add any foreign territory, South or West, North or East, to the States of this Union, as they are constituted and held together under the Constitution. I do not want the colonists of England on the North; and as little do I want the population of Mexico on the South. I resist and reject all, and all with equal resolution. Therefore I say, that, if the question were put to me to-day, whether I would take peace under the present state of the country, distressed as it is, during the existence of a war odious as this is, under circumstances so afflictive as now exist to humanity, and so disturbing to the business of those whom I represent, I say still, if it were put to me whether I would have peace, with new States, I would say, *No! no!*"

"But then there is another consideration of vastly more general importance even than that; more general, because it affects all the States, Free and Slaveholding; and it is, that, if States formed out of Territories thus thinly populated come into the Union, they necessarily and inevitably break up the relation existing between the two branches of the government, and destroy its balance. They break up the intended relation between the Senate and the House of Representatives. If you bring in new States, any State that comes in must have two senators. She may come in with fifty or sixty thousand people, or more. You may have, from a particular State, more senators than you have representatives. Can any thing occur to disfigure and derange the form of government under which we live more signally than that? Here would be a

Senate bearing no proportion to the people, out of all relation to them, by the addition of new States; from some of them only one representative, perhaps, and two senators, whereas the larger States may have ten, fifteen, or even thirty representatives, and but two senators. The Senate, augmented by these new senators coming from States where there are few people, becomes an odious oligarchy. It holds power without any adequate constituency. Sir, it is but 'borough-mongering' upon a large scale. Now, I do not depend upon theory; I ask the Senate and the country to look at facts, to see where we were when we made our departure three years ago, and where we now are; and I leave it to the imagination to conjecture where we shall be.

"We admitted Texas; one State for the present; but, sir, if you refer to the resolutions providing for the annexation of Texas, you find a provision that it shall be in the power of Congress hereafter to make four new States out of Texan territory. Present and prospectively, five new States, with ten senators, may come into the Union out of Texas. Three years ago we did this; we now propose to make two States. Undoubtedly, if we take, as the President recommends, New Mexico and California, there must then be four new senators. We shall then have provided in these Territories out of the United States along our Southern borders, for the creation of States enough to send fourteen Senators into this chamber."

"I say, sir, that, according to my conscientious conviction, we are now fixing on the Constitution of the United States, and its frame of government, a monstrosity, a disfiguration, an enormity! Sir, I hardly dare trust myself. I don't know but I may be under some delusion. It may be the weakness of my eyes that forms this monstrous apparition. But if I may trust myself, if I can persuade myself that I am in my right mind, then it does appear to me that we in this Senate have been and are acting, and are likely to be acting hereafter, and immediately, a part which will form the most remarkable epoch in the history of our country. I hold it to be enormous, flagrant, an outrage upon all the principles of popular republican government, and on the elementary provisions of the Constitution under which we live, and which we have sworn to support.

"But then, sir, what relieves the case from this enormity? What is our reliance? Why, it is that we stipulate that these new States shall only be brought in at a suitable time. And pray, what is to constitute the suitability of time? Who is to judge of it? I tell you, sir, that suitable time will come when the preponderance of party power here makes it necessary to bring in new States. Be assured it will be a suitable time when votes are wanted in this Senate. We have had some little experience of that. Texas came in at a 'suitable time,' a *very* suitable time! Texas was finally admitted in December, 1845. My friend near me here, for whom I have a great regard, and whose acquaintance I have cultivated with pleasure,\* took his seat in March, 1846, with his colleague. In July, 1846, these two Texan votes turned the balance in the Senate, and overthrew the tariff of 1842, in my judgment the best system of revenue ever established in this country. Gentlemen on the opposite side think otherwise. They think it fortunate. They think that was a suitable time, and they mean to take care that other times

\* Mr. Rusk.

shall be equally suitable. I understand it perfectly well. That is the difference of opinion between me and these honorable gentlemen. To their policy, their objects, and their purposes the time was *suitable*, and the aid was efficient and decisive.

"Sir, in 1850 perhaps a similar question may be agitated here. It is not likely to be before that time, but agitated it will be then, unless a change in the administration of the government shall take place. According to my apprehension, looking at general results as flowing from our established system of commerce and revenue, in two years from this time we shall probably be engaged in a new revision of our system; in the work of establishing, if we can, a tariff of specific duties; of protecting, if we can, our domestic industry and the manufactures of the country; in the work of preventing, if we can, the overwhelming flood of foreign importations. Suppose that to be part of the future: that would be exactly the 'suitable time,' if necessary, for two senators from New Mexico to make their appearance here!"

"I think I see a course adopted which is likely to turn the Constitution of the land into a deformed monster, into a curse rather than a blessing; in fact, a frame of an unequal government, not founded on popular representation, not founded on equality, but on the grossest inequality; and I think that this process will go on, or that there is *danger* that it will go on, until this Union shall fall to pieces. I resist it to-day and always! Whoever falters or whoever flies, I continue the contest!

"I know, sir, that all the portents are discouraging. Would to God I could auspicate good influences! Would to God that those who think with me, and myself, could hope for stronger support! Would that we could stand where we desire to stand! I see the signs are sinister. But with few, or alone, my position is fixed. If there were time, I would gladly awaken the country. I believe the country might be awakened, although it may be too late. For myself, supported or unsupported, by the blessing of God, I shall do my duty. I see well enough all the adverse indications. But I am sustained by a deep and a conscientious sense of duty; and while supported by that feeling, and while such great interests are at stake, I defy auguries, and ask no omen but my country's cause!"

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*Extract from Mr. Webster's Speech at Springfield, Mass.,  
September 29, 1847.*

"There is no one who can complain of the North for resisting the increase of slave representation, because it gives power to the minority in a manner inconsistent with the principles of our government. What is past must stand; what is established must stand; and with the same firmness with which I shall resist every plan to augment the slave representation, or to bring the Constitution into hazard by attempting to extend our dominions, shall I contend to allow existing rights to remain.

"Sir, I can only say that, in my judgment, we are to use the first, and the last, and every occasion which occurs, in maintaining our sentiments against the extension of the Slave power."

## MR. WEBSTER'S SPEECH

*In the Senate of the United States, March 7, 1850, on the Slavery Compromise.*

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THE VICE PRESIDENT. The resolutions submitted by the senator from Kentucky were made the special order of the day at 12 o'clock. On this subject the senator from Wisconsin (Mr. Walker) has the floor.

MR. WALKER. Mr. President, this vast audience has not assembled to hear me; and there is but one man, in my opinion, who can assemble such an audience. They expect to hear him, and I feel it to be my duty, as well as my pleasure, to give the floor, therefore, to the senator from Massachusetts. I understand it is immaterial to him upon which of these questions he speaks, and therefore I will not move to postpone the special order.

MR. WEBSTER. I beg to express my obligations to my friend from Wisconsin. (Mr. Walker,) as well as to my friend from New York, (Mr. Seward,) for their courtesy in allowing me to address the Senate this morning.

MR. PRESIDENT: I wish to speak to-day, not as a Massachusetts man, nor as a Northern man, but as an American, and a member of the Senate of the United States. It is fortunate that there is a Senate of the United States; a body not yet moved from its propriety, not lost to a just sense of its own dignity, and its own high responsibilities, and a body to which the country looks with confidence for wise, moderate, patriotic, and healing counsels. It is not to be denied that we live in the midst of strong agitations, and are surrounded by very considerable dangers to our institutions of government. The imprisoned winds are let loose. The East, the West, the North, and the stormy South, all combine to throw the whole ocean into commotion, to toss its billows to the skies, and to disclose its profoundest depths. I do not affect to regard myself, Mr. President, as holding, or as fit to hold, the helm in this combat of the political elements; but I have a duty to perform, and I mean to perform it with fidelity—not without a sense of surrounding dangers, but not without hope. I have a part to act, not for my own security or safety, for I am looking out for no fragment upon which to float away from the wreck, if wreck there must be, but for the good of the whole, and the preservation of the whole; and there is that which will keep me to my duty during this struggle, whether the sun and the stars shall appear, or shall not appear, for many days. I speak to-day for the preservation of the Union. "Hear me for my cause." I speak to-day, out of a solicitous and anxious heart, for the restoration to the country of that quiet and that harmony which make the blessings of this Union so rich and so dear to us all. These are the topics that I propose to myself to

discuss; these are the motives, and the sole motives, that influence me in the wish to communicate my opinions to the Senate and the country; and if I can do any thing, however little, for the promotion of these ends, I shall have accomplished all that I desire.

Mr. President, it may not be amiss to recur very briefly to the events which, equally sudden and extraordinary, have brought the political condition of the country to what it now is. In May, 1846, the United States declared war against Mexico. Her armies, then on the frontiers, entered the provinces of that republic, met and defeated all her troops, penetrated her mountain passes, and occupied her capital. The marine force of the United States took possession of her forts and her towns on the Atlantic and on the Pacific. In less than two years a treaty was negotiated, by which Mexico ceded to the United States a vast territory, extending seven or eight hundred miles along the shores of the Pacific; reaching back over the mountains, and across the desert, and until it joined the frontier of the State of Texas. It so happened that in the distracted and feeble state of the Mexican government, before the declaration of war by the United States against Mexico had become known in California, the people of California, under the lead of American officers, overthrew the existing provincial government of California, — the Mexican authorities, — and run up an independent flag. When the news arrived at San Francisco that war had been declared by the United States against Mexico, this independent flag was pulled down, and the stars and stripes of this Union hoisted in its stead. So, sir, before the war was over, the powers of the United States, military and naval, had possession of San Francisco and Upper California; and a great rush of emigrants from various parts of the world took place into California in 1846 and 1847. But now, behold another wonder.

In January of 1848, the Mormons, it is said, or some of them, made a discovery of an extraordinary rich mine of gold — or, rather, of a very great quantity of gold, hardly fit to be called a mine, for it was spread near the surface — on the lower part of the South or American branch of the Sacramento. They seem to have attempted to conceal their discovery for some time; but soon another discovery, perhaps of greater importance, was made of gold, in another part of the American branch of the Sacramento, and near Sutter's Fort, as it is called. The fame of these discoveries spread far and wide. They excited more and more the spirit of emigration towards California, which had already been excited; and persons crowded in hundreds, and flocked towards the Bay of San Francisco. This, as I have said, took place in the winter and spring of 1848. The digging commenced in the spring of that year, and from that time to this the work of searching for gold has been prosecuted with a success not heretofore known in the history of this globe. We all know, sir, how incredulous the American public was at the accounts which reached us at first of these discoveries; but we all know now that these accounts received, and continued to receive, daily confirmation; and down to the present moment I suppose the assurances are as strong, after the experience of these several months, of mines of gold apparently inexhaustible in the regions near San Francisco, in California, as they were at any period of the earlier dates of the accounts. It so happened, sir, that, although in the time of peace it became a very important subject for legislative consideration and legislative decision to provide a proper territorial government for California, yet differences of opinion in the

counsels of the government prevented the establishment of any such territorial government for California, at the last session of Congress. Under this state of things, the inhabitants of San Francisco and California, — then amounting to a great number of people, — in the summer of last year, thought it to be their duty to establish a local government. Under the proclamation of General Riley, the people chose delegates to a Convention : that Convention met at Monterey. They formed a Constitution for the State of California ; and it was adopted by the people of California in their primary assemblages. Desirous of immediate connection with the United States, its senators were appointed and representatives chosen, who have come hither, bringing with them the authentic Constitution of the State of California ; and they now present themselves, asking, in behalf of their State, that the State may be admitted into this Union as one of the United States. This Constitution, sir, contains an express prohibition against Slavery or involuntary servitude in the State of California. It is said, and I suppose truly, that of the members who composed that Convention, some sixteen were natives, and had been residents of the Slaveholding States, about twenty-two were from the Non-Slaveholding States, and the remaining ten members were either native Californians or old settlers in that country. This prohibition against Slavery, it is said, was inserted with entire unanimity.

Mr. HALE. Will the senator give way until order is restored ?

The VICE PRESIDENT. The sergeant-at-arms will see that order is restored, and no more persons admitted to the floor.

Mr. CASS. I trust the scene of the other day will not be repeated. The sergeant-at-arms must display more energy in suppressing this disorder.

Mr. HALE. The noise is outside of the door.

Mr. WEBSTER. And it is this circumstance, sir, the prohibition of Slavery by that Convention, which has contributed to raise — I do not say it has wholly raised — the dispute as to the propriety of the admission of California into the Union under this Constitution. It is not to be denied, Mr. President — nobody thinks of denying — that, whatever reasons were assigned at the commencement of the late war with Mexico, it was prosecuted for the purpose of the acquisition of territory, and under the alleged argument that the cession of territory was the only form in which proper compensation could be made to the United States by Mexico for the various claims and demands which the people of this country had against that government. At any rate, it will be found that President Polk's message, at the commencement of the session of December, 1847, avowed that the war was to be prosecuted until some acquisition of territory was made. And, as the acquisition was to be south of the line of the United States, in warm climates and countries, it was naturally, I suppose, expected by the South, that whatever acquisitions were made in that region would be added to the slaveholding portion of the United States. Events have turned out as was not expected, and that expectation has not been realized ; and therefore some degree of disappointment and surprise has resulted, of course. In other words, it is obvious that the question which has so long harassed the country, and at some times very seriously alarmed the minds of wise and good men, has come upon us for a fresh discussion — the question of Slavery in these United States.

Now, sir, I propose — perhaps at the expense of some detail and con-

sequent detention of the Senate — to review, historically, this question of Slavery, which, partly in consequence of its own merits, and partly, perhaps mostly, in the manner it is discussed in one and the other portion of the country, has been a source of so much alienation and unkind feeling between the different portions of the Union. We all know, sir, that Slavery has existed in the world from time immemorial. There was Slavery in the earliest periods of history, in the Oriental nations. There was Slavery among the Jews; the theocratic government of that people made no injunction against it. There was Slavery among the Greeks, and the ingenious philosophy of the Greeks found, or sought to find, a justification for it exactly upon the grounds which have been assumed for such a justification in this country; that is, a natural and original difference among the races of mankind, the inferiority of the black or colored race to the white. The Greeks justified their system of Slavery upon that ground precisely. They held the African, and in some parts the Asiatic, tribes to be inferior to the white race; but they did not show, I think, by any close process of logic, that, if this were true, the more intelligent and the stronger had, therefore, a right to subjugate the weaker.

The more manly philosophy and jurisprudence of the Romans placed the justification of Slavery on entirely different grounds.

The Roman jurists, from the first, and down to the fall of the empire, admitted that Slavery was against the natural law, by which, as they maintained, all men, of whatsoever clime, color, or capacity, were equal; but they justified Slavery, first, upon the ground and authority of the law of nations — arguing, and arguing truly, that at that day the conventional law of nations admitted that captives in war, whose lives, according to the notions of the times, were at the absolute disposal of the captors, might, in exchange for exemption from death, be made slaves for life, and that such servitude might extend to their posterity. The jurists of Rome also maintained that, by the civil law, there might be servitude — Slavery, personal and hereditary; first, by the voluntary act of an individual who might sell himself into Slavery; second, by his being received into a state of Slavery by his creditors in satisfaction of a debt; and, thirdly, by being placed in a state of servitude or Slavery for crime. At the introduction of Christianity into the world, the Roman world was full of slaves, and I suppose there is to be found no injunction against that relation between man and man in the teachings of the gospel of Jesus Christ, or of any of his apostles. The object of the instruction imparted to mankind by the Founder of Christianity was to touch the heart, purify the soul, and improve the lives of individual men. That object went directly to the first fountain of all political and all social relations of the human race — the individual heart and mind of man.

Now, sir, upon the general nature, and character, and influence of Slavery, there exists a wide difference between the Northern portion of this country and the Southern. It is said on the one side that, if not the subject of any injunction or direct prohibition in the New Testament, Slavery is a wrong; that it is founded merely in the right of the strongest; and that it is an oppression, like all unjust wars, like all those conflicts by which a mighty nation subjects a weaker nation to their will; and that Slavery, in its nature, whatever may be said of it in the modifications which have taken place, is not, in fact, according to the meek spirit of the gospel. It is not kindly affectioned; it does not “seek another’s, and not its own.” It does not “let the oppressed go free.”



These are sentiments that are cherished, and recently with greatly augmented force, among the people of the Northern States. It has taken hold of the religious sentiment of that part of the country, as it has, more or less, taken hold of the religious feelings of a considerable portion of mankind. The South, upon the other side, having been accustomed to this relation between the two races all their lives, from their birth—having been taught in general to treat the subjects of this bondage with care and kindness—and I believe, in general, feeling for them great care and kindness—have yet not taken this view of the subject which I have mentioned. There are thousands of religious men, with consciences as tender as any of their brethren at the North, who do not see the unlawfulness of Slavery; and there are more thousands, perhaps, that, whatsoever they may think of it in its origin, and as a matter depending upon natural right, yet take things as they are, and, finding Slavery to be an established relation of the society in which they live, can see no way in which—let their opinions on the abstract question be what they may—it is in the power of the present generation to relieve themselves from this relation. And in this respect candor obliges me to say, that I believe they are just as conscientious, many of them, and of the religious people all of them, as they are in the North in holding different opinions.

Why, sir, the honorable senator from South Carolina, the other day, alluded to the separation of that great religious community, the Methodist Episcopal Church. That separation was brought about by differences of opinion upon this peculiar subject of Slavery. I felt great concern, as that dispute went on, about the result, and I was in hopes that the difference of opinion might be adjusted, because I looked upon that religious denomination as one of the great props of religion and morals throughout the whole country, from Maine to Georgia. The result was against my wishes and against my hopes. I have read all their proceedings, and all their arguments, but I have never yet been able to come to the conclusion that there was any real ground for that separation; in other words, that no good could be produced by that separation. I must say I think there was some want of candor and charity. Sir, when a question of this kind takes hold of the religious sentiments of mankind, and comes to be discussed in religious assemblies of the clergy and laity, there is always to be expected, or always to be feared, a great degree of excitement. It is in the nature of man, manifested by his whole history, that religious disputes are apt to become warm, and men's strength of conviction is proportionate to their views of the magnitude of the questions. In all such disputes there will sometimes men be found with whom every thing is absolute—absolutely wrong, or absolutely right. They see the right clearly; they think others ought so to see it, and they are disposed to establish a broad line of distinction between what is right and what is wrong. And they are not seldom willing to establish that line upon their own convictions of the truth and the justice of their own opinions; and are willing to mark and guard that line, by placing along it a series of dogmas, as lines of boundary are marked by posts and stones. There are men who, with clear perceptions, as they think, of their own duty, do not see how too hot a pursuit of one duty may involve them in the violation of others, or how too warm an embracement of one truth may lead to a disregard of other truths equally important. As I heard it stated strongly, not many days ago, these per-

sons are disposed to mount upon some particular duty as upon a war horse, and to drive furiously, on, and upon, and over all other duties that may stand in the way. There are men who, in times of that sort, and disputes of that sort, are of opinion that human duties may be ascertained with the exactness of mathematics. They deal with morals as with mathematics, and they think what is right may be distinguished from what is wrong with the precision of an algebraic equation. They have, therefore, none too much charity towards others who differ from them. They are apt, too, to think that nothing is good but what is perfect, and that there are no compromises or modifications to be made in submission to difference of opinion, or in deference to other men's judgment. If their perspicacious vision enables them to detect a spot on the face of the sun, they think that a good reason why the sun should be struck down from heaven. They prefer the chance of running into utter darkness, to living in heavenly light, if that heavenly light be not absolutely without any imperfection. There are impatient men—too impatient always to give heed to the admonition of St. Paul, "that we are not to do evil that good may come"—too impatient to wait for the slow progress of moral causes in the improvement of mankind. They do not remember that the doctrines and the miracles of Jesus Christ have, in eighteen hundred years, converted only a small portion of the human race; and among the nations that are converted to Christianity, they forget how many vices and crimes, public and private, still prevail, and that many of them—public crimes especially, which are offences against the Christian religion—pass without exciting particular regret or indignation. Thus wars are waged, and unjust wars. I do not deny that there may be just wars. There certainly are; but it was the remark of an eminent person, not many years ago, on the other side of the Atlantic, that it was one of the greatest reproaches to human nature that wars were sometimes necessary. The defence of nations sometimes causes a war against the injustice of other nations.

Now, sir, in this state of sentiment upon the general nature of Slavery lies the cause of a great portion of those unhappy divisions, exasperations, and reproaches which find vent and support in different parts of the Union. Slavery does exist in the United States. It did exist in the States before the adoption of this Constitution, and at that time.

And now let us consider, sir, for a moment, what was the state of sentiment, North and South, in regard to Slavery, at the time this Constitution was adopted. A remarkable change has taken place since; but what did the wise and great men of all parts of the country think of Slavery?—in what estimation did they hold it then, when this Constitution was adopted? Now, it will be found, sir, if we will carry ourselves by historical research back to that day, and ascertain men's opinions by authentic records still existing among us, that there was no great diversity of opinion between the North and the South upon the subject of Slavery; and it will be found that both parts of the country held it equally an evil—a moral and political evil. It will not be found that either at the North or at the South there was much, though there was some, invective against Slavery, as inhuman and cruel. The great ground of objection to it was political; that it weakened the social fabric; that, taking the place of free labor, society was less strong and labor was less productive; and, therefore, we find, from all the eminent men of the time, the clearest expression of their opinion that Slavery

was an evil. And they ascribed its existence here, not without truth, and not without some acerbity of temper and force of language, to the injurious policy of the mother country, who, to favor the navigator, had entailed these evils upon the colonies. I need hardly refer, sir, to the publications of the day. They are matters of history on the record. The eminent men, the most eminent men, and nearly all the conspicuous politicians of the South, held the same sentiments — that Slavery was an evil, a blight, a blast, a mildew, a scourge, and a curse. There are no terms of reprobation of Slavery so vehement in the North of that day as in the South. The North was not so much excited against it as the South, and the reason is, I suppose, because there was much less at the North, and the people did not see, or think they saw, the evils so prominently as they were seen, or thought to be seen, at the South.

Then, sir, when this Constitution was framed, this was the light in which the Convention viewed it. The Convention reflected the judgment and sentiments of the great men of the South. A member of the other house, whom I have not the honor to know, in a recent speech has collected extracts from these public documents. They prove the truth of what I am saying, and the question then was, how to deal with it, and how to deal with it as an evil. Well, they came to this general result. They thought that Slavery could not be continued in the country, if the importation of slaves were made to cease, and therefore they provided that after a certain period the importation might be prevented by the act of the new government. Twenty years were proposed by some gentleman, — a Northern gentleman, I think, — and many of the Southern gentlemen opposed it as being too long. Mr. Madison especially was something warm against it. He said it would bring too much of this mischief into the country to allow the importation of slaves for such a period. Because we must take along with us in the whole of this discussion, when we are considering the sentiments and opinions in which this constitutional provision originated, that the conviction of all men was, that, if the importation of slaves ceased, the white race would multiply faster than the black race, and that Slavery would therefore gradually wear out and expire. It may not be improper here to allude to that, I had almost said, celebrated opinion of Mr. Madison. You observe, sir, that the term "slave" or "slavery" is not used in the Constitution. The Constitution does not require that "fugitive slaves" shall be delivered up. It requires that "persons bound to service in one State, and escaping into another, shall be delivered up." Mr. Madison opposed the introduction of the term "slave" or "slavery" into the Constitution; for he said that he did not wish to see it recognized by the Constitution of the United States of America, that there could be property in men. Now, sir, all this took place at the Convention in 1787; but connected with this — concurrent and contemporaneous — is another important transaction not sufficiently attended to. The Convention for framing this Constitution assembled in Philadelphia in May, and sat until September, 1787. During all that time the Congress of the United States was in session at New York. It was a matter of design, as we know, that the Convention should not assemble in the same city where Congress was holding its sessions. Almost all the public men of the country, therefore, of distinction and eminence, were in one or the other of these two assemblies; and I think it happened in some instances that the same gentlemen were members of both. If I mistake not, such was the case

of Mr. Rufus King, then a member of Congress from Massachusetts, and at the same time a member of the Convention to frame the Constitution from that State. Now, it was in the summer of 1787, the very time when the Convention in Philadelphia was framing this Constitution, that the Congress in New York was framing the Ordinance of 1787. They passed that Ordinance on the 13th of July, 1787, at New York, the very month, perhaps the very day, on which these questions about the importation of slaves and the character of Slavery were debated in the Convention at Philadelphia. And, so far as we can now learn, there was a perfect concurrence of opinion between these respective bodies; and it resulted in this Ordinance of 1787, excluding Slavery as applied to all the territory over which the Congress of the United States had jurisdiction, and that was all the territory north-west of the Ohio. Three years before, Virginia and other States had made a cession of that great territory to the United States. And a most magnificent act it was. I never reflect upon it without a disposition to do honor and justice—and justice would be the highest honor—to Virginia for that act of cession of her north-western territory. I will say, sir, it is one of her fairest claims to the respect and gratitude of the United States, and that perhaps it is only second to that other claim which attaches to her—that, from her counsels, and from the intelligence and patriotism of her leading statesmen, proceeded the first idea put into practice for the formation of a general Constitution of the United States. Now, sir, the Ordinance of 1787 applied thus to the whole territory over which the Congress of the United States had jurisdiction. It was adopted nearly three years before the Constitution of the United States went into operation, because the Ordinance took effect immediately on its passage; while the Constitution of the United States, having been framed, was to be sent to the States to be adopted by their Conventions, and then a government had to be organized under it. This Ordinance, then, was in operation and force when the Constitution was adopted, and this government put in motion in April, 1789.

Mr. President, three things are quite clear as historical truths. One is, that there was an expectation that on the ceasing of the importation of slaves from Africa, Slavery would begin to run out. That was hoped and expected. Another is, that, as far as there was any power in Congress to prevent the spread of Slavery in the United States, that power was executed in the most absolute manner, and to the fullest extent. An honorable member, whose health does not allow him to be here to-day,—

A SENATOR. He is here. (Referring to Mr. Calhoun.)

MR. WEBSTER. I am very happy to hear that he is; may he long be in health and the enjoyment of it to serve his country,—said, the other day, that he considered this Ordinance as the first in the series of measures calculated to enfeeble the South, and deprive them of their just participation in the benefits and privileges of this government. He says very properly that it was done under the old Confederation, and before this Constitution went into effect; but my present purpose is only to say, Mr. President, that it was done with the entire and unanimous concurrence of the whole South. Why, there it stands! The vote of every State in the Union was unanimous in favor of the Ordinance, with the exception of a single individual vote, and that individual was a Northern man. But, sir, the Ordinance abolishing, or rather prohibiting, Slavery

north-west of the Ohio has the hand and seal of every Southern member in Congress. The other and third clear historical truth is, that the Convention meant to leave Slavery, in the States, as they found it, entirely under the control of the States.

This was the state of things, sir, and this the state of opinion, under which those very important matters were arranged, and those two important things done; that is, the establishment of the Constitution, with a recognition of Slavery as it existed in the States, and the establishment of the Ordinance, prohibiting, to the full extent of all territory owned by the United States, the introduction of Slavery into those Territories, and the leaving to the States all power over Slavery in their own limits. And here, sir, we may pause. We may reflect for a moment upon the entire coincidence and concurrence of sentiment between the North and the South upon these questions at the period of the adoption of the Constitution. But opinions, sir, have changed — greatly changed — changed North, and changed South. Slavery is not regarded in the South now as it was then. I see an honorable member of this body paying me the honor of listening to my remarks; he brings to me, sir, freshly and vividly, the sentiments of his great ancestor, so much distinguished in his day and generation, so worthy to be succeeded by so worthy a grandson, with all the sentiments he expressed in the Convention of Philadelphia.

Here we may pause. There was, if not an entire unanimity, a general concurrence of sentiment, running through the whole community, and especially entertained by the eminent men of all portions of the country. But soon a change began at the North and the South, and a severance of opinion showed itself — the North growing much more warm and strong against Slavery, and the South growing much more warm and strong in its support. Sir, there is no generation of mankind whose opinions are not subject to be influenced by what appears to them to be their present, emergent, selfish, and exigent interest. I impute to the South no particularly selfish view in the change which has come over her. I impute to her certainly no dishonest view. All that has happened has been natural. It has followed those causes which always influence the human mind and operate upon it. What, then, have been the causes which have created so new a feeling in favor of Slavery in the South — which have changed the whole nomenclature of the South on the subject, and from being thought of and described in the terms I have mentioned and will not repeat, it has now become an institution, a cherished institution, in that quarter; no evil, no scourge, but a great religious, social, and moral blessing, as I think I have heard it latterly described? I suppose this, sir, is owing to the sudden uprising and rapid growth of the cotton plantations of the South. So far as any motive of honor, justice, and general judgment could act, it was the cotton interest that gave a new desire to promote Slavery, to spread it, and to use its labor. I again say that that was produced by the causes which we must always expect to produce like effects; their whole interest became connected with it. If we look back to the history of the commerce of this country, at the early years of this government, what were our exports? Cotton was hardly, or but to a very limited extent, known. The tables will show that the exports of cotton for the years 1790 and '91 were not more than forty or fifty thousand dollars a year. It has gone on increasing rapidly, until it may now, perhaps, in a season of great product and high

prices, amount to a hundred millions of dollars. In the years I have mentioned, there was more of wax, more of indigo, more of rice, more of almost every article of export from the South, than of cotton. I think I have heard it said, when Mr. Jay negotiated the treaty of 1794 with England, he did not know that cotton was exported at all from the United States; and I have heard it said that, after the treaty which gave to the United States the right to carry their own commodities to England, in their own ships, the custom house in London refused to admit cotton, upon an allegation that it could not be an American production, there being, as they supposed, no cotton raised in America. They would hardly think so now!

Well, sir, we know what followed. The age of cotton became a golden age for our Southern brethren. It gratified their desire for improvement and accumulation at the same time that it excited it. The desire grew by what it fed upon, and there soon came to be an eagerness for other territory, a new area, or new areas, for the cultivation of the cotton crop, and measures leading to this result were brought about, rapidly, one after another, under the lead of Southern men at the head of the government, they having a majority in both branches to accomplish their ends. The honorable member from Carolina observed that there has been a majority all along in favor of the North. If that be true, sir, the North has acted either very liberally and kindly, or very weakly; for they never exercised that majority five times in the history of the government. Never. Whether they were out-generalled, or whether it was owing to other causes, I shall not stop to consider; but no man acquainted with the history of the country can deny, that the general lead in the politics of the country for three fourths of the period that has elapsed since the adoption of the Constitution has been a Southern lead. In 1802, in pursuit of the idea of opening a new cotton region, the United States obtained a cession from Georgia of the whole of her western territory, now embracing the rich and growing State of Alabama. In 1803 Louisiana was purchased from France, out of which the States of Louisiana, Arkansas, and Missouri have been framed, as Slaveholding States. In 1819 the cession of Florida was made, bringing another accession of slaveholding property and territory. Sir, the honorable member from South Carolina thought he saw in certain operations of the government, such as the manner of collecting the revenue and the tendency of those measures to promote emigration into the country, what accounts for the more rapid growth of the North than the South. He thinks that more rapid growth not the operation of time, but of the system of government established under this Constitution. That is a matter of opinion. To a certain extent it may be so; but it does seem to me that if any operation of the government could be shown in any degree to have promoted the population, and growth, and wealth of the North, it is much more sure that there are sundry important and distinct operations of the government, about which no man can doubt, tending to promote, and which absolutely have promoted, the increase of the slave interest and the slave territory of the South. Allow me to say that it was not time that brought in Louisiana; it was the act of men. It was not time that brought in Florida; it was the act of men. And lastly, sir, to complete those acts of men, which have contributed so much to enlarge the area and the sphere of the institution of Slavery, Texas, great, and vast, and illimitable Texas, was added to the Union, as a Slave State 1845;

and that, sir, pretty much closed the whole chapter, and settled the whole account. That closed the whole chapter, that settled the whole account, because the annexation of Texas, upon the conditions and under the guarantees upon which she was admitted, did not leave an acre of land, capable of being cultivated by slave labor, between this Capitol and the Rio Grande or the Nueces, or whatever is the proper boundary of Texas — not an acre — not one. From that moment, the whole country, from this place to the western boundary of Texas, was fixed, pledged, fastened, decided, to be Slave Territory forever, by the solemn guarantees of law. And I now say, sir, as the proposition upon which I stand this day, and upon the truth and firmness of which I intend to act until it is overthrown, that there is not at this moment within the United States, or any Territory of the United States, a single foot of land, the character of which, in regard to its being Freesoil Territory or Slave Territory, is not fixed by some law, and some irrevocable law, beyond the power of the action of this government. Now, is it not so with respect to Texas? Why, it is most manifestly so. The honorable member from South Carolina, at the time of the admission of Texas, held an important post in the executive department of the government; he was Secretary of State. Another eminent person of great activity and adroitness in affairs — I mean the late Secretary of the Treasury (Mr. Walker) — was a leading member of this body, and took the lead in the business of annexation; and I must say they did their business faithfully and thoroughly; there was no botch left in it. They rounded it off, and made as close joiner work as ever was put together. Resolutions of annexation were brought into Congress fitly joined together — compact, firm, efficient, conclusive upon the great object which they had in view; and those resolutions passed.

Allow me to read the resolution. It is the third clause of the second section of the resolution of the 1st of March, 1845, for the admission of Texas, which applies to this part of the case. That clause reads in these words: —

“New States, of convenient size, not exceeding four in number, in addition to said State of Texas, and having sufficient population, may hereafter, by the consent of said State, be formed out of the territory thereof, which shall be entitled to admission under the provisions of the Federal Constitution. And such States as may be formed out of that portion of said territory lying south of 36° 30' north latitude, commonly known as the Missouri compromise line, shall be admitted into the Union with or without Slavery, as the people of each State asking admission may desire; and in such State or States as shall be formed out of said territory north of said Missouri compromise line, Slavery or involuntary servitude (except for crime) shall be prohibited.”

Now, what is here stipulated, enacted, secured? It is, that all Texas south of 36° 30', which is nearly the whole of it, shall be admitted into the Union as a Slave State. It was a Slave State, and therefore came in as a Slave State; and the guarantee is, that new States shall be made out of it, and that such States as are formed out of that portion of Texas lying south of 36° 30' may come in as Slave States to the number of four, in addition to the State then in existence, and admitted at that time by these resolutions. I know no form of legislation which can strengthen that. I know no mode of recognition that can add a tittle of weight to it. I listened respectfully to the resolutions of my honor-

able friend from Tennessee, (Mr. Bell.) He proposed to recognize that stipulation with Texas. But any additional recognition would weaken the force of it, because it stands here on the ground of a contract, a thing done for a consideration. It is a law founded on a contract with Texas, and designed to carry that contract into effect. A recognition founded not on any consideration or any contract would not be so strong as it now stands on the face of the resolution. Now, I know no way, I candidly confess, in which this government, acting in good faith, as I trust it always will, can relieve itself from that stipulation and pledge, by any honest course of legislation whatever. And, therefore, I say again that, so far as Texas is concerned — the whole of Texas south of 36° 30', which I suppose embraces all the Slave Territory — there is no land, not an acre, the character of which is not established by law — a law which cannot be repealed without the violation of a contract, and plain disregard of the public faith.

I hope, sir, it is now apparent that my proposition, so far as Texas is concerned, has been maintained; and the provision in this article — and it has been well suggested by my friend from Rhode Island that that part of Texas which lies north of 34° of north latitude may be formed into Free States — is dependent, in like manner, upon the consent of Texas, herself a Slave State.

Well, now, sir, how came this? How came it that within these walls, where it is said by the honorable member from South Carolina, that the Free States have a majority, this resolution of annexation, such as I have described it, found a majority in both houses of Congress? Why, sir, it found that majority by the great addition of Northern votes added to the entire Southern vote, or at least, nearly the whole of the Southern votes. That majority was made up of Northern as well as of Southern votes. In the House of Representatives it stood, I think, about eighty Southern votes for the admission of Texas, and about fifty Northern votes for the admission of Texas. In the Senate the vote stood for the admission of Texas, twenty-seven, and twenty-five against it; and of those twenty-seven votes, constituting a majority for the admission of Texas in this body, no less than thirteen of them came from the Free States — four of them were from New England. The whole of these thirteen senators from the Free States — within a fraction, you see, of one half of all the votes in this body for the admission of Texas, with its immeasurable extent of Slave Territory — were sent here by the votes of Free States.

Sir, there is not so remarkable a chapter in our history of political events, political parties, and political men, as is afforded by this measure for the admission of Texas, with this immense territory, that a bird cannot fly over in a week. [Laughter.] Sir, New England, with some of her votes, supported this measure. Three fourths of the votes of liberty-loving Connecticut went for it in the other house, and one half here. There was one vote for it in Maine; but, I am happy to say, not the vote of the honorable member who addressed the Senate the day before yesterday, (Mr. Hamlin,) and who was then a representative from Maine in the other house; but there was a vote or two from Maine — ay, and there was one vote for it from Massachusetts, the gentleman then representing and now living in the district in which the prevalence of Free Soil sentiment, for a couple of years or so, has defeated the choice of any member to represent it in Congress. Sir, that body of Northern and



Eastern men, who gave those votes at that time, are now seen taking upon themselves, in the nomenclature of politics, the appellation of the Northern Democracy. They undertook to wield the destinies of this empire — if I may call a republic an empire; and their policy was, — and they persisted in it, — to bring into this country all the territory they could. They did it under pledges, absolute pledges to the slave interest in the case of Texas, and afterwards they lent their aid in bringing in these new conquests. My honorable friend from Georgia, in March, 1847, moved the Senate to declare that the war ought not to be prosecuted for acquisition, for conquest, for the dismemberment of Mexico. The same Northern Democracy entirely voted against it. He did not get a vote from them. It suited the views, the patriotism, the elevated sentiments of the Northern Democracy to bring in a world here, among the mountains and valleys of California and New Mexico, or any other part of Mexico, and then quarrel about it; to bring it in, and then endeavor to put upon it the saving grace of the Wilmot proviso. There were two eminent and highly-respectable gentlemen from the North and East, then leading gentlemen in this Senate: I refer — and I do so with entire respect, for I entertain for both of those gentlemen in general high regard — to Mr. Dix of New York, and Mr. Niles of Connecticut, who voted for the admission of Texas. They would not have that vote any other way than as it stood; and they would not have it as it did stand. I speak of the vote upon the annexation of Texas. Those two gentlemen would have the resolution of annexation just as it is, and they voted for it just as it is, and their eyes were all open to it. My honorable friend, the member who addressed us the other day from South Carolina, was then Secretary of State. His correspondence with Mr. Murphy, the chargé d'affaires of the United States in Texas, had been published. That correspondence was all before those gentlemen, and the Secretary had the boldness and candor to avow in that correspondence, that the great object sought by the annexation of Texas was to strengthen the slave interest of the South. Why, sir, he said, in so many words —

Mr. CALHOUN. Will the honorable senator permit me to interrupt him for a moment?

Mr. WEBSTER. Certainly.

Mr. CALHOUN. I am very reluctant to interrupt the honorable gentleman; but, upon a point of so much importance, I deem it right to put myself *rectius in curia*. I did not put it upon the ground assumed by the senator. I put it upon this ground — that Great Britain had announced to this country, in so many words, that her object was to abolish Slavery in Texas, and through Texas to accomplish the abolishment of Slavery in the United States and the world. The ground I put it on was, that it would make an exposed frontier; and, if Great Britain succeeded in her object, it would be impossible that that frontier could be secured against the aggression of the abolitionists; and that this government was bound, under the guarantees of the Constitution, to protect us against such a state of things.

Mr. WEBSTER. That comes, I suppose, sir, to exactly the same thing. It was, that Texas must be obtained for the security of the slave interest of the South.

Mr. CALHOUN. Another view is very distinctly given.

Mr. WEBSTER. That was the object set forth in the correspondence

of a worthy gentleman not now living, who preceded the honorable member from South Carolina in that office. There repose on the files of the Department of State, as I have occasion to know, strong letters from Mr. Upshur to the United States minister in England, and I believe there are some to the same minister from the honorable senator himself, asserting to this effect the sentiments of this government, that Great Britain was expected not to interfere to take Texas out of the hands of its then existing government, and make it a free country. But my argument, my suggestion, is this—that those gentlemen who composed the Northern Democracy when Texas was brought into the Union, saw, with all their eyes, that it was brought in as slave country, and brought in for the purpose of being maintained as slave territory to the Greek kalends. I rather think the honorable gentleman, who was then Secretary of State, might, in some of his correspondence with Mr. Murphy, have suggested that it was not expedient to say too much about this object—that it might create some alarm. At any rate, Mr. Murphy wrote to him that England was anxious to get rid of the Constitution of Texas, because it was a Constitution establishing Slavery; and that what the United States had to do was, to aid the people of Texas in upholding their Constitution; but that nothing should be said that should offend the fanatical men. But, sir, the honorable member did avow this object himself, openly, boldly, and manfully; he did not disguise his conduct or his motives.

MR. CALHOUN. Never, never.

MR. WEBSTER. What he means he is very apt to say.

MR. CALHOUN. Always, always.

MR. WEBSTER. And I honor him for it. This admission of Texas was in 1845. Then, in 1847, *flagrante bello* between the United States and Mexico, the proposition I have mentioned was brought forward by my friend from Georgia, and the Northern Democracy voted straight ahead against it. Their remedy was to apply to the acquisitions, after they should come in, the Wilmot proviso. What follows? These two gentlemen, worthy, and honorable, and influential men—and if they had not been they could not have carried the measure—these two gentlemen, members of this body, brought in Texas, and by their votes they also prevented the passage of the resolution of the honorable member from Georgia; and then they went home, and took the lead in the Free Soil party. And there they stand, sir! They leave us here, bound in honor and conscience by the resolutions of annexation—they leave us here to take the odium of fulfilling the obligations in favor of Slavery which they voted us into, or else the greater odium of violating those obligations, while they are at home, making rousing and capital speeches for Free Soil and no Slavery. [Laughter.] And therefore I say, sir, that there is not a chapter in our history, respecting public measures and public men, more full of what should create surprise, more full of what does create, in my mind, extreme mortification, than that of the conduct of this Northern Democracy.

Mr. President, sometimes, when a man is found in a new relation to things around him and to other men, he says the world has changed, and that he has not changed. I believe, sir, that our self-respect leads us often to make this declaration in regard to ourselves, when it is not exactly true. An individual is more apt to change, perhaps, than all the world around him. But under the present circumstances, and under the

responsibility which I know I incur by what I am now stating here, I feel at liberty to recur to the various expressions and statements, made at various times, of my own opinions and resolutions respecting the admission of Texas, and all that has followed. Sir, as early as 1836, or in the earlier part of 1837, a matter of conversation and correspondence between myself and some private friends was this project of annexing Texas to the United States; and an honorable gentleman with whom I have had a long acquaintance, a friend of mine, now perhaps in this chamber, — I mean General Hamilton, of South Carolina, — was knowing to that correspondence. I had voted for the recognition of Texan independence, because I believed it was an existing fact, surprising and astonishing as it was, and I wished well to the new republic; but I manifested from the first utter opposition to bringing her, with her territory, into the Union. I had occasion, sir, in 1837, to meet friends in New York, on some political occasion, and I then stated my sentiments upon the subject. It was the first time that I had occasion to advert to it; and I will ask a friend near me to do me the favor to read an extract from the speech, for the Senate may find it rather tedious to listen to the whole of it. It was delivered in Niblo's Garden in 1837.

Mr. GREENE then read the following extract from the speech of the honorable senator, to which he referred:—

"Gentlemen, we all see that, by whomsoever possessed, Texas is likely to be a Slaveholding country; and I frankly avow my entire unwillingness to do any thing which shall extend the Slavery of the African race on this continent, or add other Slaveholding States to the Union.

"When I say that I regard Slavery in itself as a great moral, social, and political evil, I only use language which has been adopted by distinguished men, themselves citizens of Slaveholding States.

"I shall do nothing, therefore, to favor or encourage its further extension. We have Slavery already among us. The Constitution found it among us; it recognized it, and gave it solemn guarantees.

"To the full extent of these guarantees we are all bound in honor, in justice, and by the Constitution. All the stipulations contained in the Constitution in favor of the Slaveholding States, which are already in the Union, ought to be fulfilled; and, so far as depends on me, shall be fulfilled in the fulness of their spirit and to the exactness of their letter. Slavery, as it exists in the States, is beyond the reach of Congress. It is a concern of the States themselves. They have never submitted it to Congress, and Congress has no rightful power over it.

"I shall concur, therefore, in no act, no measure, no menace, no indication of purpose which shall interfere, or threaten to interfere, with the exclusive authority of the several States over the subject of Slavery, as it exists within their respective limits. All this appears to me to be matter of plain and imperative duty.

"But when we come to speak of admitting new States, the subject assumes an entirely different aspect. Our rights and our duties are then both different.

"I see, therefore, no political necessity for the annexation of Texas to the Union — no advantages to be derived from it; and objections to it of a strong, and, in my judgment, of a decisive character."

Mr. WEBSTER. I have nothing, sir, to add to, nor to take back from, those sentiments. That, the Senate will perceive, was in 1837. The purpose of immediately annexing Texas at that time was abandoned or

postponed; and it was not revived with any vigor for some years. In the mean time it had so happened that I had become a member of the Executive administration, and was for a short period in the Department of State. The annexation of Texas was a subject of conversation — not confidential — with the President and heads of department, as well as with other public men. No serious attempt was then made, however, to bring it about. I left the Department of State in May, 1843, and shortly after I learned, though no way connected with official information, that a design had been taken up of bringing in Texas, with her Slave Territory and population, into the United States. I was here in Washington at the time, and persons are now here who will remember that we had an arranged meeting for conversation upon it. I went home to Massachusetts and proclaimed the existence of that purpose; but I could get no audience, and but little attention. Some did not believe it, and some were too much engaged in their own pursuits to give it any heed. They had gone to their farms or to their merchandise, and it was impossible to arouse any sentiment in New England or in Massachusetts that should combine the two great political parties against this annexation; and, indeed, there was no hope of bringing the Northern Democracy into that view, for the leaning was all the other way. But, sir, even with Whigs, and leading Whigs, I am ashamed to say, there was a great indifference towards the admission of Texas with Slave Territory into this Union. It went on. I was then out of Congress. The annexation resolutions passed the 1st of March, 1845. The Legislature of Texas complied with the conditions, and accepted the guarantees; for the phraseology of the language of the resolution is, that Texas is to come in “upon the conditions and under the guarantees herein prescribed.” I happened to be returned to the Senate in March, 1845, and was here in December, 1845, when the acceptance by Texas of the conditions proposed by Congress was laid before us by the President, and an act for the consummation of the connection was laid before the two houses. The connection was not completed. A final law, doing the deed of annexation ultimately and finally, had not been passed; and when it was upon its final passage here, I expressed my opposition to it, and recorded my vote in the negative; and there the vote stands, with the observations that I made upon that occasion. It has happened that between 1837 and this time, on various occasions and opportunities, I have expressed my entire opposition to the admission of Slave States, or the acquisition of new Slave Territories, to be added to the United States. I know, sir, no change in my own sentiments or my own purposes in that respect. I will now again ask my friend from Rhode Island to read another extract from a speech of mine, made at a Whig Convention in Springfield, Massachusetts, in the month of September, 1847.

MR. GREENE here read the following extract: —

“We hear much just now of a *panacea* for the dangers and evils of Slavery and slave annexation, which they call the ‘*Wilmot Proviso*.’ That certainly is a just sentiment, but it is not a sentiment to found any new party upon. It is not a sentiment on which Massachusetts Whigs differ. There is not a man in this hall who holds to it more firmly than I do, nor one who adheres to it more than another.

“I feel some little interest in this matter, sir. Did not I commit myself in 1838 to the whole doctrine, fully, entirely? And I must be permitted to say that I cannot quite consent that more recent discoveries should claim the merit and take out a patent.

"I deny the priority of their invention. Allow me to say, sir, it is not their thunder.

"We are to use the first and last, and every occasion which offers to oppose the extension of slave power.

"But I speak of it here, as in Congress, as a political question, a question for statesmen to act upon. We must so regard it. I certainly do not mean to say that it is less important in a moral point of view, that it is not more important in many other points of view; but, as a legislator, or in any official capacity, I must look at it, consider it, and decide it as a matter of political action."

Mr. WEBSTER. On other occasions, in debates here, I have expressed my determination to vote for no acquisition, or cession, or annexation, North or South, East or West. My opinion has been, that we have territory enough, and that we should follow the Spartan maxim, "Improve, adorn what you have, seek no farther." I think that it was in some observations that I made here on the three million loan bill that I avowed that sentiment. In short, sir, the sentiment has been avowed quite as often, in as many places, and before as many assemblies, as any humble sentiments of mine ought to be avowed.

But now that, under certain conditions, Texas is in, with all her territories, as a Slave State, with a solemn pledge that if she is divided into many States, those States may come in as Slave States south of  $36^{\circ} 30'$ , how are we to deal with this subject? I know no way of honorable legislation, when the proper time comes for the enactment, but to carry into effect all that we have stipulated to do. I do not entirely agree with my honorable friend from Tennessee, (Mr. Bell,) that, as soon as the time comes when she is entitled to another representative, we should create a new State. The rule in regard to it I take to be this: that, when we have created new States out of Territories, we have generally gone upon the idea that when there is population enough to form a State, — sixty thousand, or some such thing, — we would create a State; but it is quite a different thing when a State is divided, and two or more States made out of it. It does not follow, in such a case, that the same rule of apportionment should be applied. That, however, is a matter for the consideration of Congress, when the proper time arrives. I may not then be here. I may have no vote to give on the occasion; but I wish it to be distinctly understood to-day, that, according to my view of the matter, this government is solemnly pledged by law to create new States out of Texas, with her consent, when her population shall justify such a proceeding; and, so far as such States are formed out of Texan territory lying south of  $36^{\circ} 30'$ , to let them come in as Slave States. That is the meaning of the resolution which our friends, the Northern Democracy, have left us to fulfil; and I, for one, mean to fulfil it, because I will not violate the faith of the government.

Now, as to California and New Mexico, I hold Slavery to be excluded from those Territories by a law even superior to that which admits and sanctions it in Texas. I mean the law of Nature, — of physical geography, — the law of the formation of the earth. That law settles forever, with a strength beyond all terms of human enactment, that Slavery cannot exist in California or New Mexico. Understand me, sir; I mean Slavery as we regard it; slaves in gross, of the colored race, transferable by sale and delivery like other property. I shall not discuss this point, but I leave it to the learned gentlemen who have undertaken to discuss it; but I suppose there is no slave of that description in California now. I

understand that *peonism*, a sort of penal servitude, exists there, or rather a sort of voluntary sale of a man and his offspring for debt, as it is arranged and exists in some parts of California and New Mexico. But what I mean to say is, that African Slavery, as we see it among us, is as utterly impossible to find itself, or to be found, in Mexico, as any other natural impossibility. California and New Mexico are Asiatic in their formation and scenery. They are composed of vast ridges of mountains of enormous height, with broken ridges and deep valleys. The sides of these mountains are barren, entirely barren, their tops capped by perennial snow. There may be in California, now made free by its Constitution, and no doubt there are, some tracts of valuable land. But it is not so in New Mexico. Pray, what is the evidence which every gentleman must have obtained on this subject, from information sought by himself or communicated by others? I have inquired and read all I could find in order to obtain information. What is there in New Mexico that could by any possibility induce any body to go there with slaves? There are some narrow strips of tillable land on the borders of the rivers; but the rivers themselves dry up before midsummer is gone. All that the people can do is to raise some little articles, some little wheat for their tortillas, and all that by irrigation. And who expects to see a hundred black men cultivating tobacco, corn, cotton, rice, or any thing else, on lands in New Mexico made fertile only by irrigation? I look upon it, therefore, as a fixed fact, — to use an expression current at this day, — that both California and New Mexico are destined to be free, so far as they are settled at all, which I believe, especially in regard to New Mexico, will be very little for a great length of time; free by the arrangement of things by the Power above us. I have, therefore, to say, in this respect also, that this country is fixed for Freedom, to as many persons as shall ever live there, by as irrevocable and more irrevocable a law than the law that attaches to the right of holding slaves in Texas; and I will say further, that if a resolution or a law were now before us to provide a territorial government for New Mexico, I would not vote to put any prohibition into it whatever. The use of such a prohibition would be idle, as it respects any effect it would have upon the territory; and I would not take pains to reaffirm an ordinance of Nature, nor to reenact the will of God. And I would put in no Wilmot proviso for the purpose of a taunt or a reproach. I would put into it no evidence of the votes of superior power, to wound the pride, even whether a just pride, a rational pride, or an irrational pride — to wound the pride of the gentlemen who belong to the Southern States. I have no such object, no such purpose. They would think it a taunt, an indignity; they would think it to be an act taking away from them what they regard a proper equality of privilege; and whether they expect to realize any benefit from it or not, they would think it a theoretic wrong; that something more or less derogatory to their character and their rights had taken place. I propose to inflict no such wound upon any body, unless something essentially important to the country, and efficient to the preservation of liberty and freedom, is to be effected. Therefore, I repeat, sir, — and I repeat it because I wish it to be understood, — that I do not propose to address the Senate often on this subject. I desire to pour out all my heart in as plain a manner as possible; and I say, again, that if a proposition were now here for a government for New Mexico, and it was moved to insert a provision for a prohibition of Slavery, I would not vote for it.

Now, Mr. President, I have established, so far as I proposed to go into

any line of observation to establish, the proposition with which I set out, and upon which I propose to stand or fall; and that is, that the whole territory of the States in the United States, or in the newly-acquired territory of the United States, has a fixed and settled character, now fixed and settled by law, which cannot be repealed in the case of Texas without a violation of public faith, and cannot be repealed by any human power in regard to California or New Mexico; that, under one or other of these laws, every foot of territory in the States or in the Territories has now received a fixed and decided character.

Sir, if we were now making a government for New Mexico, and any body should propose a Wilmot proviso, I should treat it exactly as Mr. Polk treated that provision for excluding Slavery from Oregon. Mr. Polk was known to be in opinion decidedly averse to the Wilmot proviso; but he felt the necessity of establishing a government for the Territory of Oregon, and though the proviso was there, he knew it would be entirely nugatory; and, since it must be entirely nugatory, since it took away no right, no describable, no estimable, no weighable or tangible right of the South, he said he would sign the bill for the sake of enacting a law to form a government in that Territory, and let that entirely useless, and, in that connection, entirely senseless, proviso remain. For myself, I will say that we hear much of the annexation of Canada; and if there be any man, any of the Northern Democracy, or any one of the Free Soil party, who supposes it necessary to insert a Wilmot proviso in a Territorial government for New Mexico, that man will of course be of opinion that it is necessary to protect the everlasting snows of Canada from the foot of Slavery by the same overpowering wing of an act of Congress. Sir, wherever there is a particular good to be done, wherever there is a foot of land to be stayed back from becoming Slave Territory, I am ready to assert the principle of the exclusion of Slavery. I am pledged to it from the year 1837; I have been pledged to it again and again; and I will perform those pledges; but I will not do a thing unnecessary, that wounds the feelings of others, or that does disgrace to my own understanding.

Mr. President, in the excited times in which we live, there is found to exist a state of crimination and recrimination between the North and South. There are lists of grievances produced by each; and those grievances, real or supposed, alienate the minds of one portion of the country from the other, exasperate the feelings, subdue the sense of fraternal connection, and patriotic love, and mutual regard. I shall bestow a little attention, sir, upon these various grievances produced on the one side and on the other. I begin with the complaints of the South. I will not answer, further than I have, the general statements of the honorable senator from South Carolina, that the North has grown upon the South in consequence of the manner of administering this government, in the collecting of its revenues, and so forth. These are disputed topics, and I have no inclination to enter into them. But I will state these complaints, especially one complaint of the South, which has, in my opinion, just foundation; and that is, that there has been found at the North, among individuals, and among the legislators of the North, a disinclination to perform, fully, their constitutional duties in regard to the return of persons bound to service, who have escaped into the Free States. In that respect, it is my judgment that the South is right, and the North is wrong. Every member of every Northern legislature is bound, like every other officer in the country, by oath, to support the

Constitution of the United States; and this article of the Constitution, which says to these States, they shall deliver up fugitives from service, is as binding in honor and conscience as any other article. No man fulfils his duty in any legislature who sets himself to find excuses, evasions, escapes from this constitutional obligation. I have always thought that the Constitution addressed itself to the legislatures of the States or to the States themselves. It says that those persons escaping to other States shall be delivered up; and I confess I have always been of the opinion that it was an injunction upon the States themselves. When it is said that a person escaping into another State, and becoming therefore within the jurisdiction of that State, shall be delivered up, it seems to me the import of the passage is, that the State itself, in obedience to the Constitution, shall cause him to be delivered up. That is my judgment. I have always entertained that opinion, and I entertain it now. But when the subject, some years ago, was before the Supreme Court of the United States, the majority of the judges held that the power to cause fugitives from service to be delivered up was a power to be exercised under the authority of this government. I do not know, on the whole, that it may not have been a fortunate decision. My habit is to respect the result of judicial deliberations, and the solemnity of judicial decisions. But as it now stands, the business of seeing that these fugitives are delivered up resides in the power of Congress and the national judicature, and my friend at the head of the judiciary committee has a bill on the subject now before the Senate, with some amendments to it, which I propose to support, with all its provisions, to the fullest extent. And I desire to call the attention of all sober-minded men, of all conscientious men, in the North, of all men who are not carried away by any fanatical idea, or by any false idea whatever, to their constitutional obligations. I put it to all the sober and sound minds at the North, as a question of morals and a question of conscience, What right have they, in their legislative capacity, or any other, to endeavor to get round this Constitution, to embarrass the free exercise of the rights secured by the Constitution to the persons whose slaves escape from them? None at all; none at all. Neither in the forum of conscience, nor before the face of the Constitution, are they justified, in my opinion. Of course it is a matter for their consideration. They probably, in the turmoil of the times, have not stopped to consider of this; they have followed what seems to be the current of thought and of motives, as the occasion arose, and neglected to investigate fully the real question, and to consider their constitutional obligations; as I am sure, if they did consider, they would fulfil them with alacrity. Therefore I repeat, sir, that there is a ground of complaint against the North, well founded, which ought to be removed, which it is now in the power of the different departments of this government to remove, which calls for the enactment of proper laws authorizing the judicature of this government, in the several States, to do all that is necessary for the recapture of fugitive slaves, and for the restoration of them to those who claim them. Wherever I go, and wherever I speak on this subject,—and when I speak here I desire to speak to the whole North,—I say that the South has been injured in this respect, and has a right to complain; and the North has been too careless of what I think the Constitution peremptorily and emphatically enjoins upon it as a duty.

Complaint has been made against certain resolutions that emanate from legislatures at the North, and are sent here to us, not only on the



subject of Slavery in this District, but sometimes recommending Congress to consider the means of abolishing Slavery in the States. I should be very sorry to be called upon to present any resolutions here which could not be referable to any committee or any power in Congress; and therefore I should be very unwilling to receive from Massachusetts instructions to present resolutions expressing any opinion whatever upon Slavery as it exists at the present moment in the States, for two reasons: because, first, I do not consider that the legislature of Massachusetts has any thing to do with it; and next, I do not consider that I, as her representative here, have any thing to do with it. Sir, it has become, in my opinion, quite too common; and if the legislatures of the States do not like that opinion, they have a great deal more power to put it down than I have to uphold it. It has become, in my opinion, quite too common a practice for the State legislatures to present resolutions here on all subjects, and to instruct us here on all subjects. There is no public man that requires instruction more than I do, or who requires information more than I do, or desires it more heartily; but I do not like to have it come in too imperative a shape. I took notice, with pleasure, of some remarks upon this subject, made the other day in the Senate of Massachusetts, by a young man of talent and character, from whom the best hopes may be entertained. I mean Mr. Hillard. He told the Senate of Massachusetts that he would vote for no instructions whatever to be forwarded to members of Congress, nor for any resolutions to be offered expressive of the sense of Massachusetts as to what their members of Congress ought to do. He said that he saw no propriety in one set of public servants giving instructions and reading lectures to another set of public servants. To their own master all of them must stand or fall, and that master is their constituents. I wish these sentiments could become more common, a great deal more common. I have never entered into the question, and never shall, about the binding force of instructions. I will, however, simply say this: If there be any matter of interest pending in this body, while I am a member of it, in which Massachusetts has an interest of her own not adverse to the general interest of the country, I shall pursue her instructions with gladness of heart, and with all the efficiency which I can bring it. But if the question be one which affects her interest, and at the same time affects the interests of all other States, I shall no more regard her political wishes or instructions than I would regard the wishes of a man who might appoint me an arbiter or referee to decide some question of important private right, and who might instruct me to decide in his favor. If ever there was a government upon earth, it is this government,—if ever there was a body upon earth, it is this body,—which should consider itself as composed by agreement of all, appointed by some, but organized by the general consent of all, sitting here under the solemn obligations of oath and conscience to do that which they think is best for the good of the whole.

Then, sir, there are these abolition societies, of which I am unwilling to speak, but in regard to which I have very clear notions and opinions. I do not think them useful. I think their operations for the last twenty years have produced nothing good or valuable. At the same time, I know thousands of them are honest and good men; perfectly well-meaning men. They have excited feelings—they think they must do something for the cause of liberty, and in their sphere of action they do not see what else they can do, than to contribute to an abolition press or an

abolition society, or to pay an abolition lecturer. I do not mean to impute gross motives even to the leaders of these societies, but I am not blind to the consequences. I cannot but see what mischiefs their interference with the South has produced. And is it not plain to every man? Let any gentleman who doubts of that, recur to the debates in the Virginia House of Delegates in 1832, and he will see with what freedom a proposition made by Mr. Randolph, for the gradual abolition of Slavery, was discussed in that body. Every one spoke of Slavery as he thought; very ignominious and disparaging names and epithets were applied to it. The debates in the House of Delegates on that occasion, I believe, were all published. They were read by every colored man who could read, and if there were any who could not read, those debates were read to them by others. At that time Virginia was not unwilling nor afraid to discuss this question, and to let that part of her population know as much of it as they could learn. That was in 1832. As has been said by the honorable member from Carolina, these abolition societies commenced their course of action in 1835. It is said—I do not know how true it may be—that they sent incendiary publications into the Slave States; at any event, they attempted to arouse, and did arouse, a very strong feeling; in other words, they created great agitation in the North against Southern Slavery. Well, what was the result? The bonds of the slaves were bound more firmly than before; their rivets were more strongly fastened. Public opinion, which in Virginia had begun to be exhibited against Slavery, and was opening out for the discussion of the question, drew back and shut itself up in its castle. I wish to know whether any body in Virginia can, now, talk as Mr. Randolph, Governor McDowell, and others talked there, openly, and sent their remarks to the press, in 1832. We all know the fact, and we all know the cause; and every thing that this agitating people have done has been, not to enlarge, but to restrain; not to set free, but to bind faster the slave population of the South. That is my judgment. Sir, as I have said, I know many abolitionists in my own neighborhood, very honest, good people, misled, as I think, by strange enthusiasm; but they wish to do something, and they are called on to contribute, and they do contribute; and it is my firm opinion this day, that within the last twenty years, as much money has been collected and paid to the abolition societies, abolition presses, and abolition lecturers, as would purchase the freedom of every slave man, woman, and child in the State of Maryland, and send them all to Liberia. I have no doubt of it. But I have yet to learn that the benevolence of these abolition societies has at any time taken that particular turn. [Laughter.]

Again, sir, the violence of the press is complained of. The press violent! Why, sir, the press is violent every where. There are outrageous reproaches in the North against the South, and there are reproaches in not much better taste in the South against the North. Sir, the extremists in both parts of this country are violent; they mistake loud and violent talk for eloquence and for reason. They think that he who talks loudest reasons the best. And this we must expect, when the press is free—as it is here, and I trust always will be—for, with all its licentiousness, and all its evil, the entire and absolute freedom of the press is essential to the preservation of government on the basis of a free Constitution. Wherever it exists, there will be foolish paragraphs and violent paragraphs in the press, as there are, I am sorry to say, foolish speeches and violent speeches in both houses of Congress. In truth, sir, I must

say that, in my opinion, the vernacular tongue of the country has become greatly vitiated, depraved, and corrupted by the style of our Congressional debates. [Laughter.] And if it were possible for our debates in Congress to vitiate the principles of the people as much as they have depraved their taste, I should cry out, "God save the Republic!"

Well, in all this I see no solid grievance; no grievance presented by the South, within the redress of the government, but the single one to which I have referred; and that is, the want of a proper regard to the injunction of the Constitution for the delivery of fugitive slaves.

There are also complaints of the North against the South. I need not go over them particularly. The first and gravest is, that the North adopted the Constitution, recognizing the existence of Slavery in the States, and recognizing the right, to a certain extent, of representation of the slaves in Congress, under a state of sentiment and expectation which do not now exist; and that, by events, by circumstances, by the eagerness of the South to acquire territory and extend their slave population, the North finds itself—in regard to the influence of the South and the North, of the Free States and the Slave States—where it never did expect to find itself when they entered the compact of the Constitution. They complain, therefore, that, instead of Slavery being regarded as an evil, as it was then—an evil which all hoped would be extinguished gradually—it is now regarded by the South as an institution to be cherished, and preserved, and extended; an institution which the South has already extended to the utmost of her power by the acquisition of new territory. Well, then, passing from that, every body in the North reads; and every body reads whatsoever the newspapers contain; and the newspapers—some of them, especially those presses to which I have alluded—are careful to spread about among the people every reproachful sentiment uttered by any Southern man bearing at all against the North; every thing that is calculated to exasperate, to alienate; and there are many such things, as every body will admit, from the South, or some portion of it, which are spread abroad among the reading people; and they do exasperate, and alienate, and produce a most mischievous effect upon the public mind at the North. Sir, I would not notice things of this sort appearing in obscure quarters; but one thing has occurred in this debate which struck me very forcibly. An honorable member from Louisiana addressed us the other day on this subject. I suppose there is not a more amiable and worthy gentleman in this chamber—nor a gentleman who would be more slow to give offence to any body; and he did not mean in his remarks to give offence. But what did he say? Why, sir, he took pains to run a contrast between the slaves of the South and the laboring people of the North, giving the preference, in all points of condition, and comfort, and happiness, to the slaves of the South. The honorable member, doubtless, did not suppose that he gave any offence, or did any injustice. He was merely expressing his opinion. But does he know how remarks of that sort will be received by the laboring people of the North? Why, who are the laboring people of the North? They are the North. They are the people who cultivate their own farms with their own hands; freeholders, educated men, independent men. Let me say, sir, that five sixths of the whole property of the North is in the hands of the laborers of the North; they cultivate their farms; they educate their children; they provide the means of independence; if they are not freeholders, they earn wages; these wages accumulate, are turned into capital, into new freeholds, and small capitalists are cre-

ated. That is the case, and such the course of things with us, among the industrious and frugal. And what can these people think, when so respectable and worthy a gentleman as the member from Louisiana undertakes to prove that the absolute ignorance and the abject Slavery of the South is more in conformity with the high purposes and destiny of immortal, rational, human beings, than the educated, the independent, free laborers of the North? There is a more tangible and irritating cause of grievance at the North. Free blacks are constantly employed in the vessels of the North, generally as cooks or stewards. When the vessel arrives, these free colored men are taken on shore by the police or municipal authority, imprisoned, and kept in prison, till the vessel is again ready to sail. This is not only irritating, but exceedingly inconvenient in practice, and seems altogether impracticable and oppressive. Mr. Hoar's mission, some time ago, to South Carolina, was a well-intended effort to remove this cause of complaint. The North thinks such imprisonments illegal and unconstitutional. As the cases occur constantly and frequently, they think it a great grievance.

Now, sir, so far as any of these grievances have their foundation in matters of law, they can be redressed, and ought to be redressed; and so far as they have their foundation in matters of opinion, in sentiment, in mutual crimination and recrimination, all that we can do is, to endeavor to allay the agitation, and cultivate a better feeling and more fraternal sentiments between the South and the North.

Mr. President, I should much prefer to have heard from every member on this floor declarations of opinion that this Union should never be dissolved, than the declarations of opinion, that, in any case, under the pressure of any circumstances, such a dissolution was possible. I hear with pain, and anguish, and distress, the word *secession*, especially when it falls from the lips of those who are eminently patriotic, and known to the country, and known all over the world, for their political services. Secession! Peaceable secession! Sir, your eyes and mine are never destined to see that miracle. The dismemberment of this vast country without convulsion! The breaking up of the fountains of the great deep without ruffling the surface! Who is so foolish — I beg every body's pardon — as to expect to see any such thing? Sir, he who sees these States now revolving in harmony around a common centre, expecting to see them quit their places, and fly off, without convulsion, may look, the next hour, to see the heavenly bodies rush from their spheres, and jostle against each other in the realms of space without producing the crash of the universe. There can be no such thing as a peaceable secession. Peaceable secession is an utter impossibility. Is the great Constitution under which we live here, covering this whole country — is it to be thawed and melted away by secession, as the snows on the mountain melt under the influence of a vernal sun — disappear almost unobserved, and die off? No, sir! No, sir! I will not state what might produce the disruption of the States; but, sir, I see it as plainly as I see the sun in heaven — I see that disruption must produce such a war as I will not describe *in its twofold character!*

Peaceable secession! peaceable secession! The concurrent agreement of all the members of this great republic to separate! A voluntary separation, with alimony on one side and on the other! Why, what would be the result? Where is the line to be drawn? What States are to secede? What is to remain American? What am I to be? An American no longer? Where is the flag of the republic to remain?

Where is the eagle still to tower? or is he to cower, and shriek, and fall to the ground? Why, sir, our ancestors — our fathers and our grandfathers, those of them that are yet living amongst us with prolonged lives — would rebuke and reproach us; and our children and our grandchildren would cry out shame upon us, if we of this generation should dishonor these ensigns of the power of the government and the harmony of the Union which is every day felt among us with so much joy and gratitude. What is to become of the army? What is to become of the navy? What is to become of the public lands? How is each of the thirty States to defend itself? I know, although the idea has not been stated distinctly. There is to be a Southern Confederacy. I do not mean, when I allude to this statement, that any one seriously contemplates such a state of things. I do not mean to say that it is true, but I have heard it suggested elsewhere, that that idea has originated in a design to separate. I am sorry, sir, that it has ever been thought of, talked of, or dreamed of, in the wildest flights of human imagination. But the idea must be of a separation including the Slave States upon one side, and the Free States on the other. Sir, there is not — I may express myself too strongly, perhaps, but some things, some moral things, are almost as impossible as other natural or physical things; and I hold the idea of a separation of these States, those that are Free to form one government, and those that are Slaveholding to form another, as a moral impossibility. We could not separate the States by any such line, if we were to draw it. We could not sit down here to-day, and draw a line of separation that would satisfy any five men in the country. There are natural causes that would keep and tie us together; and there are social and domestic relations which we could not break if we would, and which we should not if we could. Sir, nobody can look over the face of this country at the present moment — nobody can see where its population is the most dense and growing — without being ready to admit, and compelled to admit, that ere long America will be in the valley of the Mississippi.

Well, now, sir, I beg to inquire what the wildest enthusiast has to say on the possibility of cutting off that river, and leaving Free States at its source and its branches, and Slave States down near its mouth. Pray, sir, pray, sir, let me say to the people of this country, that these things are worthy of their pondering and of their consideration. Here, sir, are five millions of freemen in the Free States north of the River Ohio; can any body suppose that this population can be severed by a line that divides them from the territory of a foreign and an alien government, down somewhere — the Lord knows where — upon the lower banks of the Mississippi? What would become of Missouri? Will she join the arrondissement of the Slave States? Shall the man from the Yellow Stone and the Platte River be connected, in the new republic, with the man who lives on the southern extremity of the Cape of Florida. Sir, I am ashamed to pursue this line of remark. I dislike it; I have an utter disgust for it. I would rather hear of natural blasts and mildews, war, pestilence, and famine, than to hear gentlemen talk of secession. To break up — to break up this great government — to dismember this great country — to astonish Europe with an act of folly such as Europe for two centuries has never beheld in any government! No, sir; no, sir! There will be no secession. Gentlemen are not serious when they talk of secession.

Sir, I hear there is to be a Convention held at Nashville. I am bound

to believe, that, if worthy gentlemen meet at Nashville in Convention, their object will be to adopt counsels conciliatory — to advise the South to forbearance and moderation, and to advise the North to forbearance and moderation, and to inculcate principles of brotherly love and affection, and attachment to the Constitution of the country as it now is. I believe, if the Convention meet at all, it will be for this purpose; for certainly, if they meet for any purpose hostile to the Union, they have been singularly inappropriate in their selection of a place. I remember, sir, that when the treaty was concluded between France and England at the peace of Amiens, a stern old Englishman, and an orator, who disliked the terms of the peace as ignominious to England, said in the House of Commons, that, if King William could know the terms of that treaty, he would turn in his coffin. Let me commend the saying of Mr. Windham, in all its emphasis and all its force, to any persons who shall meet at Nashville for the purpose of concerting measures for the overthrow of the Union of this country over the bones of Andrew Jackson.

Sir, I wish to make two remarks, and hasten to a conclusion. I wish to say, in regard to Texas, that if it should be hereafter at any time the pleasure of the government of Texas to cede to the United States a portion, larger or smaller, of her territory which lies adjacent to New Mexico, and north of 34° of north latitude, to be formed into Free States, for a fair equivalent in money, or in the payment of her debt, I think it an object well worthy the consideration of Congress, and I shall be happy to concur in it myself, if I should be in the public councils of the country at the time.

I have one other remark to make. In my observations upon Slavery, as it has existed in the country, and as it now exists, I have expressed no opinion of the mode of its extinguishment or amelioration. I will say, however, though I have nothing to propose on that subject, because I do not deem myself competent as other gentlemen to consider it, that if any gentleman from the South shall propose a scheme of colonization, to be carried on by this government, upon a large scale, for the transportation of free colored people to any colony, or any place in the world, I should be quite disposed to incur almost any degree of expense to accomplish that object. Nay, sir, following an example set here more than twenty years ago by a great man, then a senator from New York, I would return to Virginia — and through her, for the benefit of the whole South — the money received from the lands and territories ceded by her to this government, for any such purpose as to relieve, in whole or in part, or in any way to diminish or deal beneficially with the free colored population of the Southern States. I have said that I honor Virginia for her cession of this territory. There have been received into the treasury of the United States eighty millions of dollars, the proceeds of the sales of public lands ceded by Virginia. If the residue should be sold at the same rate, the whole aggregate will exceed two hundred millions of dollars. If Virginia and the South see fit to adopt any proposition to relieve themselves from the free people of color among them, they have my free consent that the government shall pay them any sum of money out of its proceeds which may be adequate to the purpose.

And now, Mr. President, I draw these observations to a close. I have spoken freely, and I meant to do so. I have sought to make no display; I have sought to enliven the occasion by no animated discussion; nor have I attempted any train of elaborate argument. I have sought only to speak my sentiments, fully and at large, being desirous, once and for

all, to let the Senate know, and to let the country know, the opinions and sentiments which I entertain on all these subjects. These opinions are not likely to be suddenly changed. If there be any future service that I can render to the country, consistently with these sentiments and opinions, I shall cheerfully render it. If there be not, I shall still be glad to have had an opportunity to disburden my conscience from the bottom of my heart, and to make known every political sentiment that therein exists.

And now, Mr. President, instead of speaking of the possibility or utility of secession, instead of dwelling in these caverns of darkness, instead of groping with those ideas so full of all that is horrid and horrible, let us come out into the light of day; let us enjoy the fresh airs of Liberty and Union; let us cherish those hopes which belong to us; let us devote ourselves to those great objects that are fit for our consideration and our action; let us raise our conceptions to the magnitude and the importance of the duties that devolve upon us; let our comprehension be as broad as the country for which we act, our aspirations as high as its certain destiny; let us not be pygmies in a case that calls for men. Never did there devolve on any generation of men higher trusts than now devolve upon us for the preservation of this Constitution, and the harmony and peace of all who are destined to live under it. Let us make our generation one of the strongest and the brightest links in that golden chain which is destined, I fondly believe, to grapple the people of all the States to this Constitution, for ages to come. It is a great popular constitutional government, guarded by legislation, by law, by judicature, and defended by the whole affections of the people. No monarchical throne presses these States together; no iron chain of despotic power encircles them; they live and stand upon a government popular in its form, representative in its character, founded upon principles of equality, and calculated, we hope, to last forever. In all its history it has been beneficent; it has trodden down no man's liberty; it has crushed no State. Its daily respiration is liberty and patriotism; its yet youthful veins all full of enterprise, courage, and honorable love of glory and renown. Large before, the country has now, by recent events, become vastly larger. This republic now extends, with a vast breadth, across the whole continent. The two great seas of the world wash the one and the other shore. We realize, on a mighty scale, the beautiful description of the ornamental edging of the buckler of Achilles:—

“Now the broad shield complete the artist crowned  
With his last hand, and poured the ocean round;  
In living silver seemed the waves to roll,  
And beat the buckler's verge, and bound the whole.”

MR. CALHOUN. I rise to correct what I conceive to be an error of the distinguished senator from Massachusetts, as to the motives which induced the acquisition of Florida, Louisiana, and Texas. He attributed it to the great growth of cotton, and the desire of the Southern people to get an extension of territory, with the view of cultivating it with more profit than they could in a compact and crowded settlement. Now, Mr. President, the history of those acquisitions, I think, was not correctly given. It is well known that the acquisition of Florida was the result of an Indian war. The Seminole Indians residing along the line attacked one of our fortresses; troops were ordered out; they were driven back; and, under the command of General Jackson, Pensacola and St. Marks were seized. It was these acts, and not the desire for the

extended cultivation of cotton, which led to the acquisition of Florida. I admit that there had been for a long time a desire on the part of the South, and of the administration, I believe, to acquire Florida; but it was very different from the reason assigned by the honorable senator. There were collected together four tribes of Indians, — the Creeks, the Choctaws, the Chickasaws, and the Cherokees, about thirty thousand warriors, — who held connection, almost the whole of them, with the Spanish authorities in Florida, and carried on a trade perpetually with them. It was well known that a most pernicious influence was thus exercised over them; and it was the desire of preventing conflict between the Indians and ourselves in the South, as I believe, which induced the acquisition of Florida. I come now to Louisiana. We well know that the immediate cause for the acquisition of Louisiana was the suspension of our right of deposit at New Orleans. Under a treaty with Spain we had a right to the navigation of the river as far as New Orleans, and a right to make deposits in the port of New Orleans. The Spanish authorities interrupted that right, and that interruption produced a great agitation at the West, and, I may say, throughout the whole United States. The gentlemen then in opposition, a highly respectable party, — the old Federal party, which I have never said a word of disrespect in regard to, — if I mistake not, took the lead in a desire to resort to arms to acquire that territory. Mr. Jefferson, more prudent, desired to procure it by purchase. A purchase was made, in order to remove the difficulty, and to give an outlet to the West to the ocean. That was the immediate cause of the acquisition of Louisiana. Now, sir, we come to Texas. Perhaps no gentleman had more to do with the acquisition of Texas than myself; and I aver, Mr. President, that I would have been among the very last individuals in the United States to have made any movement at that time for the acquisition of Texas; and I go further: if I know myself, I was incapable of acquiring any territory simply on the ground that it was to be an enlargement of Slave Territory. I would just as freely have acquired it if it had been on the Northern as on the Southern side. No, sir; very different motives actuated me. I knew at a very early period — I will not go into the history of it — the British government had given encouragement to the abolitionists of the United States, who were represented at the World's Convention. The question of the abolition of Slavery was agitated in that Convention. One gentleman stated that Mr. Adams informed him that if the British government wished to abolish Slavery in the United States, they must begin with Texas. A commission was sent from this World's Convention to the British Secretary of State, Lord Aberdeen; and it so happened that a gentleman was present when the interview took place between Lord Aberdeen and the committee, who gave me a full account of it shortly after it occurred. Lord Aberdeen fell into the project, and gave full encouragement to the abolitionists. Well, sir, it is well known that Lord Aberdeen was a very direct, and, in my opinion, a very honest and worthy man; and when Mr. Pakenham was sent to negotiate with regard to Oregon, and incidentally with respect to Texas, he was ordered to read a declaration to this government, stating that the British government was anxious to put an end to Slavery all over the world, commencing at Texas. It is well known, further, that at that very time a negotiation was going on between France and England to accomplish that object, and our government was thrown by stratagem out of the negotiation; and that object



was, first, to induce Mexico to acknowledge the independence of Texas upon the ground that she would abolish it. All these are matters of history; and where is the man so blind—I am sure the senator from Massachusetts is not so blind—as not to see that if the project of Great Britain had been successful, the whole frontier of the States of Louisiana and Arkansas, and the adjacent States, would have been exposed to the inroads of British emissaries. Sir, so far as I was concerned, I put it exclusively upon that ground. I never would run into the folly of reannexation, which I always held to be absurd. Nor, sir, would I put it upon the ground—which I might well have put it—of commercial and manufacturing considerations; because those were not my motive principles, and I chose to assign what were. So far as commerce and manufactures were concerned, I would not have moved in the matter at that early period.

The senator objects that many Northern gentlemen voted for annexation. Why, sir, it was natural that they should be desirous of fulfilling the obligations of the Constitution; and besides, what man at that time doubted that the Missouri compromise line would be adopted, and that the territory would fall entirely to the South? All that Northern men asked for at that time was the extension of that line. Their course, in my opinion, was eminently correct and patriotic.

Now, Mr. President, having made these corrections, I must go back a little farther, and correct a statement which I think the senator has left very defective, relative to the Ordinance of 1787. He states, very correctly, that it commenced under the old Confederation; that it was afterwards confirmed by Congress; that Congress was sitting in New York at the time, while the Convention sat in Philadelphia; and that there was concert of action. I have not looked into the Ordinance very recently; but my memory will serve me thus far, that Mr. Jefferson introduced his first proposition to exclude Slavery in 1784. There was a vote taken upon it, and I think on that vote every Southern senator voted against it; but I am not certain of it. One thing I am certain of, that it was three years before the Ordinance could pass. It was sturdily resisted down to 1787; and when it was passed, as I have good reason to believe, it was upon a principle of compromise: first, that the Ordinance should contain a provision similar to the one put in the Constitution with respect to fugitive slaves; and next, that it should be inserted in the Constitution; and this was the compromise upon which the prohibition was inserted in the Ordinance of 1787. We thought we had an indemnity in that; but we made a great mistake. Of what possible advantage has it been to us? Violated faith has met us on every side, and the advantage has been altogether in their favor. On the other side, it has been thrown open to a Northern population, to the entire exclusion of the Southern. This was the leading measure which destroyed the compromise of the Constitution; and then followed the Missouri compromise, which was carried mainly by Northern votes, although now disavowed and not respected by them. That was the next step, and between these two causes the equilibrium has been broken.

Having made these remarks, let me say that I took great pleasure in listening to the declarations of the honorable senator from Massachusetts upon several points. He puts himself upon the fulfilment of the contract of Congress in the resolutions of Texas annexation, for the admission of the four new States provided for by those resolutions to be formed out of the territory of Texas. All that was manly, statesman-

like, and calculated to do good, because just. He went further; he condemned, and rightfully condemned, — and in that he has shown great firmness, — the course of the North relative to the stipulations of the Constitution for the restoration of fugitive slaves; but permit me to say — for I desire to be candid upon all subjects — that if the senator, together with many friends on this side of the chamber, puts his confidence in the bill which has been reported here, further to extend the laws of Congress upon this subject, it will prove fallacious. It is impossible to execute any law of Congress until the people of the States shall cooperate.

I heard the gentleman with great pleasure say that he would not vote for the Wilmot proviso, for he regarded such an act unnecessary, considering that Nature had already excluded Slavery. As far as the new acquisitions are concerned, I am disposed to leave them to be disposed of as the hand of Nature shall determine. It is what I always have insisted upon. Leave that portion of the country more natural to a Non-Slaveholding population to be filled by that description of population; and leave that portion into which Slavery would naturally go, to be filled by a Slaveholding population — destroying artificial lines; though perhaps they may be better than none. Mr. Jefferson spoke like a prophet of the effect of the Missouri compromise line. I am willing to leave it for Nature to settle; and to organize governments for the Territories, giving all free scope to enter and prepare themselves to participate in their privileges. We want, sir, nothing but justice. When the gentleman says that he is willing to leave it to Nature, I understand he is willing to remove all impediments, whether real or imaginary. It is consummate folly to assert that the Mexican law prohibiting Slavery in California and New Mexico is in force; and I have always regarded it so.

No man would feel more happy than myself to believe that this Union formed by our ancestors should live forever. Looking back to the long course of forty years' service here, I have the consolation to believe that I have never done one act which would weaken it; that I have done full justice to all sections. And if I have ever been exposed to the imputation of a contrary motive, it is because I have been willing to defend my section from unconstitutional encroachments. But I cannot agree with the senator from Massachusetts that this Union cannot be dissolved. Am I to understand him that no degree of oppression, no outrage, no broken faith, can produce the destruction of this Union? Why, sir, if that becomes a fixed fact, it will itself become the great instrument of producing oppression, outrage, and broken faith. No, sir, the Union can be broken. Great moral causes will break it if they go on, and it can only be preserved by justice, good faith, and a rigid adherence to the Constitution.

MR. WEBSTER. Mr. President, a single word in reply to the honorable member from South Carolina. My distance from the honorable member, and the crowded state of the room, prevented me from hearing the whole of his remarks. I have only one or two observations to make; and, to begin, I first notice the honorable member's last remark. He asks me if I hold the breaking up of the Union by any such thing as the voluntary secession of States as an impossibility. I know, sir, this Union can be broken up; every government can be; and I admit that there may be such a degree of oppression as will warrant resistance and a forcible severance. That is revolution! Of that ultimate right

of revolution I have not been speaking. I know that that law of necessity does exist. I forbear from going further, because I do not wish to run into a discussion of the nature of this government. The honorable member and myself have broken lances sufficiently often before on that subject.

Mr. CALHOUN. I have no desire to do it now.

Mr. WEBSTER. I presume the gentleman has not, and I have quite as little. The gentleman refers to the occasions on which these great acquisitions were made to territory on the Southern side. Why, undoubtedly, wise and skilful public men, having an object to accomplish, may take advantage of occasions. Indian wars are an occasion; a fear of the occupation of Texas by the British was an occasion; but when the occasion came, under the pressure of which, or under the justification of which the thing could be done, it was done, and done skilfully. Let me say one thing further; and that is, that if Slavery were abolished, as it was supposed to have been, throughout all Mexico, before the revolution and the establishment of the Texan government, then, if it were desirable to have possession of Texas by purchase, as a means of preventing its becoming a British possession, I suppose that object could have been secured by making it a Free Territory of the United States, as well as a Slave Territory.

Sir, in my great desire not to prolong this debate, I have omitted what I intended to say on a particular question under the motion of the honorable senator from Missouri, proposing an amendment to the resolution of the honorable member from Illinois; and that is, upon the propriety and expediency of admitting California, under all circumstances, just as she is. The more general subjects involved in this question are now before the Senate under the resolutions of the honorable member from Kentucky. I will say that I feel under great obligations to that honorable member for introducing the subject, and for the very lucid speech which he made, and which has been so much read throughout the whole country. I am also under great obligations to the honorable member from Tennessee, for the light which he has shed upon this subject; and, in some respects, it will be seen that I differ very little from the leading subjects submitted by either of those honorable gentlemen.

Now, sir, when the direct question of the admission of California shall be before the Senate, I propose — but not before every other gentleman who has a wish to address the Senate shall have gratified that desire — to say something upon the boundaries of California, upon the Constitution of California, and upon the expediency, under all the circumstances, of admitting her with that Constitution.

Mr. CALHOUN. One word, and I have done; and that word is, that, notwithstanding the acquisition of the vast territory of Texas represented by the senator from Massachusetts, it is the fact that all that addition to our territory made it by no means equal to what the Northern States had excluded us from before that acquisition. The territory lying west between the Mississippi and the Rocky Mountains is three fourths of the whole of Louisiana; and that which lies between the Mississippi and the Ohio, added to that, makes a much greater extent of territory than Florida, and Texas, and that portion of Louisiana that has fallen to our share.

Mr. WALKER moved the postponement of the further consideration of the resolutions until to-morrow, which was agreed to.

## MR. WEBSTER'S BOSTON MEMORIAL.

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The Committee appointed by a vote of a meeting holden in the State House on the 3d instant, to prepare a Memorial to Congress on the subject of the Prohibition of Slavery in the new States, submit the following:—

(Signed,)

DANIEL WEBSTER,  
GEORGE BLAKE,  
JOSIAH QUINCY,  
JAMES T. AUSTIN,  
JOHN GALLISON.

Boston, Dec. 15, 1819.

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### MEMORIAL.

*To the Senate and House of Representatives of the United States, in Congress assembled:*

The undersigned, inhabitants of Boston and its vicinity, beg leave most respectfully and humbly to represent: That the question of the introduction of Slavery into the new States to be formed on the west side of the Mississippi River, appears to them to be a question of the last importance to the future welfare of the United States. If the progress of this great evil is ever to be arrested, it seems to the undersigned that this is the time to arrest it. A false step taken now cannot be retraced; and it appears to us that the happiness of unborn millions rests on the measures which Congress may, on this occasion, adopt. Considering this as no local question, nor a question to be decided by a temporary expediency, but as involving great interests of the whole of the United States, and affecting deeply and essentially those objects of common defence, general welfare, and the perpetuation of the blessings of liberty, for which the Constitution itself was formed, we have presumed, in this way, to offer our sentiments and express our wishes to the National Legislature. And as various reasons have been suggested against prohibiting Slavery in the new States, it may perhaps be permitted to us to state our reasons, both for believing that Congress possesses the constitutional power to make such prohibition a condition, on the admission of a new State into the Union, and that it is just and proper that they should exercise that power.

And, in the first place, as to the constitutional authority of Congress. The Constitution of the United States has declared that "the Congress shall have power to dispose of and make all needful rules and regulations respecting the Territory, or other property belonging to the United States, and nothing in this Constitution shall be so construed as to prejudice the claims of the United States, or of any particular State." It is very well known that the saving in this clause of the claims of any particular State was designed to apply to claims by the then existing

States, of territory which was also claimed by the United States as their own property. It has, therefore, no bearing on the present question. The power, then, of Congress over its own Territories is, by the very terms of the Constitution, unlimited. It may make all "needful rules and regulations;" which of course include all such regulations as its own views of policy or expediency shall from time to time dictate. *If, therefore, in its judgment, it be needful for the benefit of a Territory to enact a prohibition of Slavery, it would seem to be as much within its power of legislation as any other ordinary act of local policy.* Its sovereignty being complete and universal, as to the Territory, it may exercise over it the most ample jurisdiction in every respect. It possesses in this view all the authority which any State Legislature possesses over its own territory; and if a State Legislature may, in its discretion, abolish or prohibit Slavery within its own limits, in virtue of its general legislative authority, for the same reason Congress also may exercise the like authority over its own Territories. And that a State Legislature, unless restrained by some constitutional provision, may so do, is unquestionable, and has been established by general practice.

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Upon the whole, the memorialists would respectfully submit that the terms of the Constitution, as well as the practice of the governments under it, must, as they humbly conceive, entirely justify the conclusion, that Congress may prohibit the further introduction of Slavery into its own Territories, and also make such prohibition a condition of the admission of any new State into the Union.

If the constitutional power of Congress to make the proposed prohibition be satisfactorily shown, the justice and policy of such prohibition seem to the undersigned to be supported by plain and strong reasons. The permission of Slavery in a new State necessarily draws after it an extension of that inequality of representation which already exists in regard to the original States. It cannot be expected, that those of the original States which do not hold slaves, can look on such an extension as being politically just. As between the original States, the representation rests on compact and plighted faith; and your memorialists have no wish that that compact should be disturbed, or that plighted faith in the slightest degree violated. But the subject assumes an entirely different character when a new State proposes to be admitted. With her there is no compact, and no faith plighted; and where is the reason that she should come into the Union with more than an equal share of political importance and political power? Already the ratio of representation, established by the Constitution, has given to the States holding slaves twenty members in the House of Representatives more than they would have been entitled to, except under the particular provision of the Constitution. In all probability, this number will be doubled in thirty years. Under these circumstances, we deem it not an unreasonable expectation that the inhabitants of Missouri should propose to come into the Union, renouncing the right in question, and establishing a Constitution prohibiting it forever. Without dwelling on this topic, we have still thought it our duty to present it to the consideration of Congress. We present it with a deep and earnest feeling of its importance, and we respectfully solicit for it the full consideration of the National Legislature.

Your memorialists were not without the hope, that the time had at length arrived, when the inconvenience and the danger of this descrip-

tion of population had become apparent, in all parts of this country, and in all parts of the civilized world. It might have been hoped that the new States themselves would have had such a view of their own permanent interests and prosperity, as would have led them to prohibit its extension and increase. The wonderful increase and prosperity of the States north of the Ohio is unquestionably to be ascribed in a great measure to the consequences of the Ordinance of 1787, and few, indeed, are the occasions, in the history of nations, in which so much can be done, by a single act, for the benefit of future generations, as was done by that Ordinance, and as may now be done by the Congress of the United States.

*We appeal to the justice and the wisdom of the national councils, to prevent the further progress of a great and serious evil. We appeal to those who look forward to the remote consequences of their measures, and who cannot balance a temporary or trifling convenience, if there were such, against a permanent growing and desolating evil.*

We cannot forbear to remind the two houses of Congress that the early and decisive measures adopted by the American government for the abolition of the slave trade are among the proudest memorials of our nation's glory. That Slavery was ever tolerated in the Republic is, as yet, to be attributed to the policy of another government. No imputation, thus far, rests on any portion of the American Confederacy. The Missouri Territory is a new country. If its extensive and fertile fields shall be opened as a market for slaves, the government will seem to become a party to a traffic, which, in so many acts, through so many years, it has denounced as impolitic, unchristian, inhuman. To enact laws to punish the traffic, and at the same time to tempt cupidity and avarice by the allurements of an insatiable market, is inconsistent and irreconcilable. Government, by such a course, would only defeat its own purposes, and render nugatory its own measures. Nor can the laws derive support from the manners of the people, if the power of moral sentiment be weakened by enjoying, under the permission of government, great facilities to commit offences. The laws of the United States have denounced heavy penalties against the traffic in slaves, because such traffic is deemed unjust and inhuman. We appeal to the spirit of these laws; we appeal to this justice and humanity; we ask whether they ought not to operate on the present occasion with all their force? We have a strong feeling of the injustice of any toleration of Slavery. Circumstances have entailed it on a portion of our community, which cannot be immediately relieved from it without consequences more injurious than the suffering of the evil. *But to permit it in a new country, where yet no habits are formed which render it indispensable, what is it but to encourage that rapacity and fraud and violence, against which we have so long pointed the denunciations of our penal code? What is it but to tarnish the proud fame of the country? What is it but to throw suspicion on its good faith, and to render questionable all its professions of regard for the rights of humanity and the liberties of mankind?*

As inhabitants of a free country; as citizens of a great and rising Republic; as members of a Christian community; as living in a liberal and enlightened age, and as feeling ourselves called upon by the dictates of religion and humanity; we have presumed to offer our sentiments to Congress on this question, with a solicitude for the event far beyond what a common occasion could inspire.

## A P P E N D I X.

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THE following suggestions applicable to our National Crisis at this moment are taken from a letter of Hon. B. F. THOMAS (of Massachusetts) to a friend:—

“The best thing that can be done with the remains of the statute of 1855 is to lay them upon the altar of the country. It does not require a great sacrifice; and it is *our* country.

Incapable of substantial legal good, they do much political and moral evil.

They are not, in their spirit, loyal to the Union. They tend to bring into conflict our relations to the State and the United States, to which we are alike bound, and must be alike faithful.

They are unjust to the citizens of the United States, who feel that they must obey the laws of the United States, and that the State cannot fairly subject them to any disability or distrust even for such fidelity.

They disturb the friendly relations which would otherwise exist between us and the friends of the Union in the Southern States.

They strengthen the hands, they encourage the hearts, of the enemies of the Union. They are made the occasion, if not the cause, the pretence, if not the reason, for the attempts to sever that Union. They furnish a pretext, a seeming apology, for treason.

The ground of objection to these statutes is their apparent design to obstruct a law of the United States,—an iron law, it may be, but a *law*. Their real and humane purpose was to give to the rights of the feeble and humble the protection which the law of the United States failed to give. They can legally effect neither the apparent design nor their real purpose. And the difficulty, in my judgment, is intrinsic, and results from the fact, that a law of the United States, held to be valid by the judiciary of the United States, is the supreme law of the courts of Massachusetts; and no State law can either get over it or around it.

The only place to seek the modification of the Fugitive Slave Law is on the floor of Congress; and we need not despair of such a result. The just and reasonable modifications to be effected are, that the alleged fugitive shall, from the time of his arrest, be in the custody of the *courts* of the United States, both in the State where he is seized and that to which he is returned; that, before he shall be delivered into the custody of the claimant, he shall have the right to trial by jury, freely and without purchase, under rules of evidence to be prescribed by Congress; the most essential of which would be the presumption of freedom, and the right to meet the witnesses against him face to face.

Having done what may fairly be required of us, we may inquire what may fairly be required of others.

I have already stated the issue before the country. It must be settled now. Let us not deceive ourselves. Let us not disguise the real dangers before us. If secession is insisted on, civil war is inevitable.

We were Colonies of Great Britain, — separate, distinct, jealous Colonies. Under the oppression of the mother country, we grew and ripened into one national life. By the declaration of independence, the Colonies became, not separate and distinct nations, but one nation. Under the Continental Congress, the Revolutionary Government, even under the Confederation, the great attributes of sovereignty were in the *United States*, thirteen States, one nation, — *E pluribus unum*.

‘To all general purposes’ (says Mr. Jay in the *Federalist*) ‘we have uniformly been one people; each individual citizen every where enjoying the same national rights, privileges, and protection. As a nation, we have made peace and war; as a nation, we have vanquished our common enemies; as a nation, we have formed alliances and made treaties, and entered into various compacts and conventions with foreign states,’ (*Federalist*, No. 2.)

The ‘people of the United States, to form a more *perfect union*, to establish justice, insure domestic tranquillity, provide for the *common defence*, promote the *general welfare*, and secure the blessings of liberty to themselves and their posterity,’ ordained and established the Constitution of the United States. They established a government, with no provision for its termination, without limitation of time, for themselves and their *posterity* — a government clothed with specific powers, but in its sphere supreme. There is no clause or word in the Constitution which looks to separation. The government established by the Constitution is a perpetual government, with provisions for its amendment, none for its destruction; with a door for new States to come in, but none for old ones to go out.

You may recollect, that in the Convention of the people of New York, called to act upon the adoption of the Constitution, Mr. Lansing moved to annex to the ratification a reservation of the right of New York to withdraw from the Union within a certain number of years, if the amendments proposed by the New York Convention were not adopted. Hamilton declared the reservation was inconsistent with the Constitution, and would not be a ratification. He wrote to Madison for his opinion upon the possibility of the State being received on that plan. Madison wrote, that the adoption, with reservation of a right to withdraw, would not make New York a member of the Union, and that she could not be received on that basis. ‘The Constitution requires an adoption *in toto* and *forever*.’

South Carolina has, it is said, seceded. It is quite plain, from the discussions of the Convention, that there is no man in her borders that knows what secession means, or what South Carolina is after secession. If she is the nation of South Carolina, can any one tell us when and by what process she became so? She had not, before the Constitution was adopted, the attributes of a nation. Has she acquired them while under the Constitution, while every strictly national function has been exercised by a government paramount to her own? The people of this country are not to be beguiled by words: they will look at things. Secession has *no legal meaning*. It is but another name for rebellion or revolution: whether rebellion or revolution, must depend upon its success or failure. If it be any thing, it is but a process by which a State may forego all the privileges of the Union, leaving her people still liable to all its obligations and duties.



No provision of the Constitution, no law of the United States, is abrogated or affected by the 'Ordinance' of South Carolina. No citizen of the United States in South Carolina is exempted from any the least of his duties under the Constitution and laws of the United States. The Constitution and laws of the United States act directly upon him, and not through the State upon him. They are the supreme law; and the act of the State, ordinance, or statute, which conflicts with that supreme law, shrivels into a nullity. To attempt to defeat it by a resolution is folly. To attempt to defeat the National Government by organized resistance, by force of arms, is treason. To kill an officer of the United States when in the discharge of his legal duty is murder. This is plain language: we cannot afford to use any other. Secession is rebellion, without the manliness that should attend it. It is an attempt to get by legal craft what can only be got by force of arms. The Constitution and Union are not to be shot down by paper bullets; and they are not statesmen who think so.

Utterly denying the existence of any right of secession, I think, with Henry Clay, 'that the attempt to exercise it ought to be resisted to the last extremity.'

If the Constitution is a compact which every State is capable of breaking, whose obligations every State may throw off at its pleasure, it is not worth preserving. We believe it, the great mass of the people of this country believe it, to be a wiser, better, nobler thing, a frame of government capable of amendment in the mode itself provides; capable of being overthrown only by revolution, only by *successful* revolution. Men may, it is true, for *just cause*, by revolution, change or overthrow government. It is also true that men may maintain and uphold government for *just cause*; and it is just cause when their only rational hopes of peace, of security, and of well-regulated liberty, for themselves and their children, are bound up with it. I am very sorry there are not other ways to vindicate the Constitution and the laws but of force of arms; but I see no way of meeting force but by force. If men tear down from the fort of my country the flag of my country, I honestly believe that you and I have a right to help restore it if we can — to give it again to the breeze, with all its stripes and all its stars.

The duty of maintaining just government is as sacred and binding as that of maintaining our hearths and altars: it is the same thing.

If it be said that it will be impossible to maintain the Union if other States secede, the plain answer is, If it be impossible, our duty is at an end. But I do not believe it impossible. Upon the simple issue, whether the laws of the Union are to be maintained, and its flag upheld, nine tenths of the freemen of this country are with us. The opinion of the civilized world is with us. Moreover, God governs in the affairs of men, and will be with us as he was with our fathers.

There is a sensibility, which borders on fear, on this question of resort to force. Freedom is a blessing: license is not. Government is a necessity: a firm, vigorous government is a necessity. 'Influence is not government,' (Washington.) That only is government which can *command* obedience and *enforce* it. The existence of society and of social order is possible on no other theory.

But what, you may ask, is the duty of the National Government, after such an ordinance has been passed? The general answer is obvious: What it was before it was passed — to enforce in every part of the Union, South Carolina included, the Constitution and laws of the United States. The National Government can never know of such a thing as secession. She has no legal capacity to hear or comprehend it. She can know of rebellion, and must govern herself accordingly.

But what is practicable and reasonable in such an exigency? All possible and long-suffering forbearance consistent with the execution of the laws. But the revenue may and must be collected. No vessel can enter or leave ports of the United States but in conformity to the laws. In places where the United States have exclusive jurisdiction by the cession of the State, the jurisdiction must be maintained.

But this will result in civil war. That war is already begun. No man loves peace more than I do; but I say deliberately, war, even civil war, is better than to give up this glorious inheritance from our fathers, the noblest government on earth, without a struggle, or to leave the struggle that belongs to us to our children. *I see no reasonable hope for peace but within the pale of the Constitution as it is, and in obedience to its mandates.*

I have no hope in saving the Union by amending the Constitution. The powers of the National Government over every matter in dispute are ample. My only hope is in the moderate, firm, just, and equitable administration of the Constitution as it is. If we sever in peace, not many years will elapse before we shall have war. Slavery will create greater causes of difference and strife after separation than now. Demands will be made by the Slave States for the extradition of fugitives from service: the Free States will never consent. They will make discriminating duties against us: the Free States will not submit. The Slave States will re-open the African slave trade: we shall, ere long, unite with all Christian states to exterminate the traffic — to sweep it from the highway of nations.

I am, you well know, no partisan, and have had no connection with party politics for many years. Upon full consideration of my duty in that regard, I voted for Abraham Lincoln. I have no misgiving about that vote. In view of all that has taken place, I would give it to him to-morrow with alacrity. If he pursues the wise, moderate, and national course and policy which his past life, and opinions, and his firm and manly character, lead me to expect, he will have my loyal, unwavering support in the execution of his great, and, at this crisis, solemn and momentous duty — that of executing in every part of this indivisible republic the Constitution and laws of our yet glorious Union. I feel that, in my humble sphere, I can do him no better service than to do what I may to remove all stumbling blocks from his path. These statutes are among them.

Hoping for better things, seeking, in all the honorable ways of peace, the adjustment of our present difficulties, we ought to prepare for the worst. 'Faint hearts are usually false hearts.' For our country, for our children, for the cause of well-regulated liberty, we have no right to do or suffer less than our fathers. It cost seven years of suffering to secure these blessings. Seven years, if need be, will be wisely spent in the struggle to maintain them. To suppose that the people of the Free States will consent to give up such a government, and the infinite blessings it secures to the country, without a struggle, is the saddest of mistakes. This government is a great and sacred trust. We shall be false to country, to freedom, to humanity, if we consent to give it up till the struggle is seen to be utterly hopeless."

BOSTON, January, 1861.

# CONSTITUTION

## OF THE

### UNITED STATES OF AMERICA.

WE, the People of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

#### ARTICLE I.

SECT. I. 1. All Legislative powers herein granted, shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SECT. II. 1. The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

2. No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

3. Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

4. When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

5. The House of Representatives shall choose their Speaker and other officers; and shall have the sole power of impeachment.

SECT. III. 1. The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof, for six years; and each Senator shall have one vote.

2. Immediately after they shall be assembled in consequence of the first election, they shall be divided, as equally as may be, into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one third may be chosen every second year; and if

vacancies happen by resignation or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

3. No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

4. The Vice President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

5. The Senate shall choose their other officers, and also a President *pro tempore*, in the absence of the Vice President, or when he shall exercise the office of President of the United States.

6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two thirds of the members present.

7. Judgment, in cases of impeachment, shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit, under the United States; but the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment, and punishment, according to law.

SECT. IV. 1. The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may, at any time, by law, make or alter such regulations, except as to the places of choosing Senators.

2. The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SECT. V. 1. Each House shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties as each House may provide.

2. Each House may determine the rules of its proceedings, and punish its members for disorderly behavior, and, with the concurrence of two thirds, expel a member.

3. Each House shall keep a journal of its proceedings, and, from time to time, publish the same, excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of the members of either House, on any question, shall, at the desire of one fifth of those present, be entered on the journal.

4. Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

SECT. VI. 1. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall, in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to, and returning from, the same: and for any speech or debate, in either House, they shall not be questioned in any other place.

2. No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased, during

such time; and no person holding any office under the United States, shall be a member of either House during his continuance in office.

SECT. VII. 1. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments, as on other bills.

2. Every bill which shall have passed the House of Representatives and the Senate shall, before it become a law, be presented to the President of the United States. If he approve, he shall sign it; but if not, he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration two thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and, if approved by two thirds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress, by their adjournment, prevent its return, in which case it shall not be a law.

3. Every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary, (except on a question of adjournment,) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or, being disapproved by him, shall be re-passed by two thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

SECT. VIII. The Congress shall have power, —

1. To lay and collect taxes, duties, imposts, and excises, to pay the debts, and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States:

2. To borrow money on the credit of the United States:

3. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes:

4. To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies, throughout the United States:

5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures:

6. To provide for the punishment of counterfeiting the securities and current coin of the United States:

7. To establish post offices and post roads:

8. To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries:

9. To constitute tribunals inferior to the Supreme Court:

10. To define and punish piracies and felonies committed on the high seas, and offences against the law of nations:

11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water:

12. To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years:

12. To provide and maintain a navy :

14. To make rules for the government and regulation of the land and naval forces :

15. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions :

16. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers, and the authority of training the militia, according to the discipline prescribed by Congress :

17. To exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings : And,

18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

SECT. IX. 1. The migration or importation of such persons as any of the States, now existing, shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight ; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

2. The privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

3. No bill of attainder, or ex post facto law, shall be passed.

4. No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.

5. No tax or duty shall be laid on articles exported from any State. No preference shall be given, by any regulation of commerce or revenue, to the ports of one State over those of another ; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

6. No money shall be drawn from the treasury, but in consequence of appropriations made by law ; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

7. No title of nobility shall be granted by the United States ; and no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign state.

SECT. X. 1. No State shall enter into any treaty, alliance, or confederation ; grant letters of marque and reprisal ; coin money ; emit bills of credit ; make any thing but gold and silver coin a tender in payment of debts ; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts ; or grant any title of nobility.

2. No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws ; and the net produce of all duties and imposts laid by any State on imports or exports, shall be for the use of the treasury of the United States ; and all such laws shall be subject to the revision and control of the Congress. No State shall, without the consent of Congress, lay any duty of tonnage, keep troops or

ships of war in time of peace, enter into any agreement or compact with another State or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

## ARTICLE II.

SECT. I. 1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and together with the Vice President, chosen for the same term, be elected, as follows:

2. Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

3. [Annulled. See Amendments, Art. XII.]

4. The Congress may determine the time of choosing the electors, and the day on which they shall give their votes, which day shall be the same throughout the United States.

5. No person, except a natural-born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

6. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

7. The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

8. Before he enter on the execution of his office, he shall take the following oath or affirmation:

9. "I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."

SECT. II. 1. The President shall be commander-in-chief of the army and navy of the United States, and of the militia of the several States, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officers in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

2. He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers, and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law

vest the appointment of such inferior officers, as they think proper, in the President alone, in the Courts of law, or in the heads of Departments.

3. The President shall have power to fill up all vacancies that may happen, during the recess of the Senate, by granting commissions, which shall expire at the end of their next session.

SECT. III. 1. He shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

SECT. IV. 1. The President, Vice President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

### ARTICLE III.

SECT. I. 1. The Judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may, from time to time, ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

SECT. II. 1. The Judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign states, citizens, or subjects.

2. In all cases affecting ambassadors, other public ministers, and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations, as the Congress shall make.

3. The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place, or places, as the Congress may by law have directed.

SECT. III. 1. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

2. The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.



## ARTICLE IV.

SECT. I. 1. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

SECT. II. 1. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

2. A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up to be removed to the State having jurisdiction of the crime.

3. No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

SECT. III. 1. New States may be admitted by the Congress into this Union, but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned, as well as of the Congress.

2. The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

SECT. IV. 1. The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion, and, on application of the legislature, or of the executive (when the legislature cannot be convened), against domestic violence.

## ARTICLE V.

The Congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as a part of this Constitution, when ratified by the legislatures of three fourths of the several States, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

## ARTICLE VI.

1. All debts contracted, and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution as under the confederation.

2. This Constitution, and the Laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every

State shall be bound thereby ; any thing in the Constitution or Laws of any State to the contrary notwithstanding.

3. The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution ; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

#### ARTICLE VII.

The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

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### AMENDMENTS TO THE CONSTITUTION.

#### ARTICLE I.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof ; or abridging the freedom of speech, or of the press ; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

#### ARTICLE II.

A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

#### ARTICLE III.

No soldier shall, in time of peace, be quartered in any house, without the consent of the owner ; nor, in time of war, but in a manner to be prescribed by law.

#### ARTICLE IV.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated ; and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

#### ARTICLE V.

No person shall be held to answer for a capital, or otherwise infamous, crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war, or public danger ; nor shall any person be subject, for the same offence, to be twice put in jeopardy of life or limb ; nor shall be compelled, in any criminal case, to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law ; nor shall private property be taken for public use, without just compensation.

#### ARTICLE VI.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law ;

and to be informed of the nature and cause of the accusation ; to be confronted with the witnesses against him ; to have compulsory process for obtaining witnesses in his favor ; and to have the assistance of counsel for his defence.

#### ARTICLE VII.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved ; and no fact, tried by a jury, shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

#### ARTICLE VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

#### ARTICLE IX.

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

#### ARTICLE X.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

#### ARTICLE XI.

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.

#### ARTICLE XII.

1. The Electors shall meet in their respective States, and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves ; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President ; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and of the number of votes for each, which lists they shall sign, and certify, and transmit, sealed, to the seat of the government of the United States, directed to the President of the Senate ; the President of the Senate shall, in presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted ; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of Electors appointed ; and if no person have such majority, then, from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote ; a quorum for this purpose shall consist of a member or members from two thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice President shall act as President, as in the case of the death, or other constitutional disability, of the President.

2. The person having the greatest number of votes as Vice President shall be

the Vice President, if such number be a majority of the whole number of Electors appointed: and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice President; a quorum for the purpose shall consist of two thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

3. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.

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NOTE. The Constitution was adopted 17th September, 1787, by the unanimous consent of the States present in the Convention appointed in pursuance of the resolution of the Congress of the Confederation, of the 21st February, 1787, and was ratified by the Conventions of the several States, as follows, viz.: By convention of Delaware, 7th December, 1787; Pennsylvania, 12th December, 1787; New Jersey, 18th December, 1787; Georgia, 2d January, 1788; Connecticut, 9th January, 1788; Massachusetts, 6th February, 1788; Maryland, 28th April, 1788; South Carolina, 23d May, 1788; New Hampshire, 21st June, 1788; Virginia, 26th June, 1788; New York, 26th July, 1788; North Carolina, 21st November, 1789; Rhode Island, 29th May, 1790.

The first ten of the Amendments were proposed at the first session of the first Congress of the United States, 25th September, 1789, and were finally ratified by the constitutional number of States on the 15th day of December, 1791. The eleventh Amendment was proposed at the first session of the third Congress, 5th March, 1794, and was declared in a message from the President of the United States to both Houses of Congress, dated 8th January, 1798, to have been adopted by the constitutional number of States. The twelfth Amendment was proposed at the first session of the eighth Congress, 12th December, 1803, and was adopted by the constitutional number of States in 1804, according to a public notice thereof by the Secretary of State, dated 25th September of the same year.